



## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Closed Case Summary

Complaint Number OPA#2016-0134

Issued Date: 08/17/2016

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (5) Employees May Use Discretion (Policy that was issued 04/01/2015)
OPA Finding	<b>Not Sustained</b> (Lawful and Proper)
Allegation #2	<u>Seattle Police Department Manual</u> 5.001 (9) Employees Shall Strive To Be Professional At All Times (Policy that was issued 04/01/2015)
OPA Finding	<b>Not Sustained</b> (Inconclusive)
Allegation #3	<u>Seattle Police Department Manual</u> 5.001 (12) Employees Shall Not Use Their Position or Authority for Personal Gain (Policy that was issued 04/01/2015)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Allegation #4	<u>Seattle Police Department Manual</u> 15.180 (5) Officers Shall Document All Primary Investigations on a General Offense Report (Policy that was issued 04/01/2015)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Final Discipline	N/A

#### **INCIDENT SYNOPSIS**

The Named Employee was working his regular duties in the precinct.

## **COMPLAINT**

The complainant alleged that the Named Employee harassed him over the phone and told him that he was "coming for him". During preliminary investigations OPA discovered that the Named Employee may have violated policy by not documenting the primary investigation on a General Offense (GO) Report.

## **INVESTIGATION**

The OPA investigation included the following actions:

1. Review of the complaint email
2. Interview of the complainant
3. Search for and review of all relevant records and other evidence
4. Interview of SPD employee

## **ANALYSIS AND CONCLUSION**

The Named Employee is assigned as a Community Police Team (CPT) Officer. In that assignment, the Named Employee works with area residents, merchants, employees and visitors to prevent crime, solve problems and provide other law enforcement services. An underlying principal of community policing is to help the public identify and solve root problems of crime and disorder in their community. Not all issues brought to CPT Officers call for law enforcement action. Various disputes and disagreements, while not criminal in nature, are brought to the CPT Officers so peaceful solutions can be found before things escalate and become criminal. It was in this context that the witness sought out the Named Employee and asked for his help. A person (the complainant) who had lawfully obtained a phone number previously assigned to the witness's cell phone was reportedly sending unwanted and offensive text messages to friends and family members of the witness who were still trying to contact her on her old phone number. After listening to the witness, the Named Employee determined no crime had been committed, but offered to call the complainant and ask him to please stop sending text messages to the friends and family of the witness. Based on the preponderance of the evidence from this investigation, the OPA Director found the Named Employee's decision to call the complainant and ask him to stop the behavior was reasonable and consistent with the mission of the SPD and his particular assignment as a CPT Officer.

The complainant alleged that, after he (the complainant) called the Named Employee a "punk," the Named Employee threatened the complainant by saying, "I'm coming for you; Oh, I'm coming for you." The Named Employee denies threatening the complainant in any way, including saying, "I'm coming for you." The phone call between the Named Employee and the complainant was not recorded and no witness or other evidence could be located to determine what was actually said. As such, no preponderance of evidence was found to either confirm or refute the allegation.

The OPA investigation did not find any evidence the Named Employee sought or obtained an advantage, reward or other personal gain as a result of his contacts with the witness and the complainant. The preponderance of the evidence supports the conclusion that the Named Employee acted in a manner consistent with the mission of the SPD and his particular assignment as a CPT Officer.

The Named Employee determined no crime had been reported to him by the witness. As a result, the Named Employee did not conduct a "Primary Investigation" as defined in SPD policy. The preponderance of the evidence from this investigation shows the Named Employee acted to help solve a community problem to prevent the future occurrence of crime and maintain public order. As such, no documentation on a General Offense Report was required.

## **FINDINGS**

### **Named Employee #1**

#### Allegation #1

There preponderance of the evidence showed the actions of the Named Employee were consistent with the mission of SPD. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Employees May Use Discretion*.

#### Allegation #2

There was no preponderance of the evidence to either confirm or refute the allegation against the Named Employee. Therefore a finding of **Not Sustained** (Inconclusive) was issued for *In Car Video System: Employees Will Record Police Activity*.

#### Allegation #3

The preponderance of the evidence supports the conclusion that the Named Employee acted in a manner consistent with the mission of the SPD. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Employees Shall Not Use Their Position or Authority for Personal Gain*.

#### Allegation #4

The preponderance of the evidence showed that no documentation was required to be completed by the Named Employee. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Officers Shall Document All Primary Investigations on a General Offense Report*.

*NOTE: The Seattle Police Department Manual policies cited for the allegation(s) made for this OPA Investigation are policies that were in effect during the time of the incident. The issued date of the policy is listed.*