



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-1333

Issued Date: 05/31/2017

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (14) Standards and Duties: Employees Obey any Lawful Order Issued by a Superior Officer (Policy that was issued April 1, 2015)
OPA Finding	Not Sustained (Inconclusive)
Allegation #2	<u>Seattle Police Department Manual</u> 5.001 (10) Standards and Duties: Employees Shall Be Truthful and Complete In All Communication (Policy that was issued April 1, 2015)
OPA Finding	Not Sustained (Inconclusive)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employee was involved in an open OPA complaint.

COMPLAINT

The complainant, a supervisor within the Department, alleged that the Named Employee may have violated policy when he allegedly discussed an open OPA investigation with another involved employee. The complainant also alleged that the Named Employee reported that he had not received notice of the open investigation, explicitly prohibiting him from communicating with other involved employees on the subject.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint memo
2. Search for and review of all relevant records and other evidence
3. Interviews of SPD employees

ANALYSIS AND CONCLUSION

There was not preponderance of evidence from the OPA investigation to either prove or disprove that the Named Employee received, read and understood a 5-Day Notice sent via email to him by OPA. The notice included an order not to speak about the contents of the 5-Day Notice with anyone other than a bargaining unit representative or an attorney. The evidence was clear that the Named Employee spoke about matters related to the underlying OPA complaint for which the 5-Day notice had been sent. Had there been sufficient evidence to prove that the Named Employee read and understood both the content and the order included in the notice, then speaking with others about it would have violated SPD Policy 5.001(14).

The Named Employee was reported to have told his supervisor that he did not receive the 5-Day Notice for the OPA complaint. While there was clear evidence that the notice was sent out by OPA, there was not a preponderance of evidence to either prove or disprove that the Named Employee received and read the 5-Day Notice sent via email to him by OPA.

FINDINGS

Named Employee #1

Allegation #1

There was not a preponderance of the evidence either supporting or refuting the allegation. Therefore a finding of **Not Sustained** (Inconclusive) was issued for *Standards and Duties: Employees Obey any Lawful Order Issued by a Superior Officer.*

Allegation #2

There was not a preponderance of the evidence either supporting or refuting the allegation. Therefore a finding of **Not Sustained** (Inconclusive) was issued for *Standards and Duties: Employees Shall Be Truthful and Complete In All Communication.*

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.