



## **CLOSED CASE SUMMARY**

ISSUED DATE:      JANUARY 17, 2019

CASE NUMBER:      2018OPA-0673

### **Allegations of Misconduct & Director’s Findings**

**Named Employee #1**

<b>Allegation(s):</b>		<b>Director’s Findings</b>
# 1	5.001 - Standards and Duties 10. Employees Shall Strive to be Professional	Not Sustained (Training Referral)
# 2	5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy	Not Sustained (Unfounded)

***This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.***

#### **EXECUTIVE SUMMARY:**

The Complainant alleged that the Named Employee took a bucket from his store and did not return it, engaging in a both a violation of law and unprofessional behavior.

#### **ANALYSIS AND CONCLUSIONS:**

##### **Named Employee #1 - Allegation #1**

##### ***5.001 - Standards and Duties 10. Employees Shall Strive to be Professional***

The Complainant alleged that Named Employee #1 (NE#1) came into his store and purchased dog biscuits to hand out during a parade. NE#1 asked the Complainant whether he sold a bucket that she could use and he said that he did not. He had a store display bucket that he offered to let her borrow. She took it and promised to return the bucket after the show; however, she did not do so. The Complainant, who was surprised that this matter resulted in a full investigation, stated that the bucket he gave her had been custom made for his store. He told OPA that it was worth approximately \$40-\$50.

NE#1 stated that, on the date of the incident, she decided to buy dog biscuits with her own money to hand out at a parade route. NE#1 asked the Complainant whether he had a bucket for sale and he said that he did not. He offered her a store display bucket and let NE#1 borrow it. NE#1 acknowledged that she understood that she needed to return it. However, NE#1’s shift went longer than expected. When her shift concluded, she went to the store to try to return the bucket, but the store was closed. She stated that she returned to the North Precinct with another officer and he brought the bucket inside. She explained that, after that point, she could not locate it. She stated that she tried to look for it but could not find it. She also stated that she forgot to contact the Complainant and let him know. NE#1 indicated that she would have been willing to sit down with the Complainant and explain the issue, but she was informed by her Sergeant that the Complainant was not interested in mediation and was unhappy. NE#1’s Sergeant recommended that she not contact the Complainant and she did not do so. She said that she had not made any efforts to compensate the Complainant for his loss, but would do so.



---

SPD Policy 5.001-POL-10 requires that SPD employees “strive to be professional at all times.” The policy further instructs that “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers.” (SPD Policy 5.001-POL-10.) The policy further states the following: “Any time employees represent the Department or identify themselves as police officers or Department employees, they will not use profanity directed as an insult or any language that is derogatory, contemptuous, or disrespectful toward any person.” (*Id.*) Lastly, the policy instructs Department employees to “avoid unnecessary escalation of events even if those events do not end in reportable uses of force.” (*Id.*)

NE#1 recognized her error in failing to return the bucket. She further stated that she regretted not making further efforts to contact the Complainant after the fact to explain the loss and to try to resolve the matter. Her failure to return the bucket and to follow up with the Complainant certainly undermined his trust and confidence in her and the Department. In this regard, it was unprofessional. That being said, NE#1 was genuinely trying to do something nice when she purchased the dog biscuits. Moreover, from a review of her OPA interview, she clearly made a mistake and felt badly about it. As such, I recommend that she receive a Training Referral rather than a Sustained finding.

- **Training Referral:** NE#1’s chain of command should discuss this incident with her and inform her that, even if she had the best of intentions, she diminished public trust in the Department when she took and did not return the bucket. Her chain of command should also counsel her concerning her failure to engage in any follow up with the Complainant to apologize for the loss and to try to make the Complainant whole. As the reason for her lack of follow up largely rested on the advice of her immediate supervisors, the chain of command should also discuss this matter with them. Had efforts been made to quickly rectify this issue, this matter likely never would have proceeded through a six month OPA investigation. Lastly, the chain of command should contact the Complainant, apologize for the loss of his bucket, and work with the Complainant to remedy the loss. This counseling, any retraining provided, and the steps taken by the chain of command should be documented and this documentation should be maintained in an appropriate database.

Recommended Finding: **Not Sustained (Training Referral)**

**Named Employee #1 - Allegation #2**

**5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy**

SPD Policy 5.001-POL-2 requires that employees adhere to laws, City policy, and Department policy. This allegation was classified based on the fact that, when she took the bucket and did not return it or compensate the Complainant for his loss, she violated policies and law.

In his complaint, the Complainant contended that NE#1 “stole” his bucket, thus engaging in criminal activity. Even if NE#1’s conduct was unprofessional in that it undermined the public’s trust both in her and the Department, it did not constitute a crime. NE#1 took the bucket with the Complainant’s permission and forgot to return it. She did not engage in an intentional violation of law.

As such, I recommend that this allegation be Not Sustained – Unfounded.



**Seattle**  
Office of Police  
Accountability

## ***CLOSE CASE SUMMARY***

OPA CASE NUMBER: 2018OPA-0673

---

Recommended Finding: **Not Sustained (Unfounded)**