



## **CLOSED CASE SUMMARY**

ISSUED DATE:      DECEMBER 11, 2018

CASE NUMBER:     2018OPA-0227

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

**Named Employee #1**

<b>Allegation(s):</b>		<b>Director’s Findings</b>
# 1	5.140 - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing	Not Sustained (Unfounded)
# 2	5.001 - Standards and Duties 10. Employees Shall Strive to be Professional	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 made racially motivated statements and engaged in unprofessional behavior.

#### **ADMINISTRATIVE NOTE:**

This case was submitted to the OPA Auditor for review prior to the expiration of the 180-day deadline; however, it was sent to the Auditor 10 days prior to the deadline, which is less than the 30 days requested for review by the Auditor. OPA neglected to flag this case for expedited review and the Auditor, as he stated in his certification memo, took 16 days to complete his review. As such, this case not timely certified by the Auditor and the Director’s Certification Memo in this case was not completed within the 180-day timeline set forth in the Collective Bargaining Agreement between the City of Seattle and SPOG.

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

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

##### ***5.140 - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing***

The Complainant in this matter is the ex-husband of Named Employee #1 (NE#1). He expressed to OPA his belief that NE#1 was a “liability” to the Department because of a number of alleged issues. Specifically, the Complainant stated that: NE#1 said multiple times that she hates Black people; NE#1 responded to pictures of Black men’s penises by saying that “they are the most disgusting things in the world”; NE#1 and her brother, who is also a police officer, had an on-going joking competition about who will be the first person to shoot someone on the job; NE#1 had a drinking problem and frequently consumed alcohol to the point where she passed out; NE#1 suffered from mental health issues; and NE#1 came to his residence while potentially armed causing the Complainant to fear for his life.



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During its investigation, OPA interviewed both the Complainant and NE#1. The Complainant reiterated and expounded on the allegations detailed above. He also added allegations that NE#1 drove drunk and that she illegally gave people prescription pills.

NE#1 denied that she ever threatened the Complainant. She recalled the incident that the Complainant referenced and stated that it did not occur as he described. She told OPA that, after she reached a divorce settlement with the Complainant, he told her that she needed to return her wedding ring to him. NE#1 described that he threatened to file an OPA complaint against her if she did not do so. She stated that, when she ignored his demands, the Complainant continued to harass her. She then obtained a no-contact order against him. NE#1 contended that she did not engage in any of the behavior identified by the Complainant and that she did not suffer from mental illness, alcoholism, or anger issues. She also stated that she did not drive drunk or give others prescription pills. She further denied making comments to her brother about who was going to shoot someone first. She lastly denied making any of the racially motivated statements attributed to her by the Complainant.

OPA obtained the documentation relating to the no contact order obtained by NE#1 against the Complainant. NE#1 initiated a criminal report after the Complainant initiated this OPA complaint. In that report, NE#1 referenced the threat made by the Complainant to reveal her personal information to OPA. She further described ongoing harassing behavior on the Complainant's part. Included in this documentation were two emails from the Complainant to NE#1, wherein he stated that if she did not "go back to the original settlement agreement" he would disclose NE#1's "hidden issues." He told NE#1 that if she did revert to the original settlement agreement, he would "go away" and "keep all of [NE#1's] secrets."

SPD policy prohibits biased policing, which it defines as "the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws as well other discernible personal characteristics of an individual." (SPD Policy 5.140.) This includes different treatment based on the race of the subject. (*See id.*)

The alleged course of conduct by NE#1 that was detailed by the Complainant would, if true, be very concerning. However, there is no evidence aside from the Complainant's testimony establishing his claims. Indeed, virtually all of the facts in this case are disputed. The Complainant claims ongoing racist and unprofessional behavior on NE#1's part. NE#1 denies these allegations and, instead, contends that the Complainant's claims are motivated by her refusal to give him her wedding ring. Normally, given these disputes of fact, I would deem this allegation inconclusive. However, here, I reach the determination that this allegation is unfounded based on one significant piece of evidence – the emails sent by the Complainant to NE#1. I construe those emails to constitute a threat to NE#1 that if she did not comply with the Complainant's demands, he would reveal her personal information. The fact that this threat was made diminishes the Complainant's credibility in OPA's estimation. It, accordingly, provides the basis for my recommendation that this allegation be Not Sustained – Unfounded.

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



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

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

SPD Policy 5.001-POL-9 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-9.) 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.)

For the same reasons as stated above, I find that the evidence is insufficient to establish that NE#1 engaged in the unprofessional behavior detailed by the Complainant. As such, I recommend that this allegation be Not Sustained – Unfounded.

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