



May 11, 2021

Director Andrew Myerberg
Office of Police Accountability
PO Box 34986
Seattle, WA 98124-4986

Dear Director Myerberg,

Please see the below Management Recommendation response

Case Numbers: 2017OPA-0089 – 2020COMP-0008

Topic: Court Dispositions

Summary of the Management Action: It was alleged that the named employee used his influence as an SPD employee in a court proceeding to advocate for the release of a defendant who was arrested and charged by SPD.

Original Recommendation: Clarify whether SPD Policy 5.001-POL-22 applies only to those case dispositions that resolve the dispute between the parties and conclusively determine the legal questions before the court (i.e., final judgments) or whether the policy applies also to court orders that fall short of conclusive dispositions of the case (such as orders setting bail). OPA advises that the policy adopt a broader scope as OPA believes that SPD employees should not recommend to a judge what an appropriate outcome is at any stage of a trial.

Action Taken: SPD Revised Policy 5.001 to clarify that no employee may use his/her position to inappropriately influence court proceedings. New language is as follows:

Department employees are regularly called as witnesses to testify in court pursuant to their official duties. Outside of these official appearances, employees will not use their positions to make any recommendations or otherwise influence the disposition of any court proceedings.

***Exception:** Employees may address the court on behalf of a crime victim during sentencing, if requested. However, employees who intend to address the court in this capacity will first consult with the prosecuting attorney's office to review the employee's intended remarks.*

The revised language was effective May 1, 2021. Directive 21-00008 was issued, and all SPD employees were required to review the changes and pass a quiz to ensure understanding.

SPD Considers this Management Action: Fully Implemented

Sincerely,

Adrian Diaz
Chief of Police