



## CLOSED CASE SUMMARY

ISSUED DATE: DECEMBER 14, 2020

FROM: DIRECTOR ANDREW MYERBERG  
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2020OPA-0378

### Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	12.110 - Use of Department E-mail & Internet Systems 4. All Email and Internet Communications Must be Professional, Appropriate, and Lawful	Sustained
# 2	5.001 Standards and Duties 10. Employees Shall Strive to be Professional	Sustained

Imposed Discipline

Suspension Without Pay: 1 day/hrs

***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 Named Employee was alleged to have violated the Department’s email use and professionalism policies when he sent a profane email to Seattle City Councilmembers.

### ANALYSIS AND CONCLUSIONS:

#### **Named Employee #1 – Allegation #1**

#### ***12.110 - Use of Department E-mail & Internet Systems 4. All Email and Internet Communications Must be Professional, Appropriate, and Lawful***

On June 20, 2020, Named Employee #1 (NE#1) wrote an email from his SPD email account to Seattle City Councilmembers. The email was titled: “Blood on Your Hands, CHOP Homicide.” This email was sent in the aftermath of nearly a month of protests, after SPD withdrew from the East Precinct, and subsequent to the creation of the CHOP/CHAZ zone by demonstrators. In addition, early on the date the email was sent, a young man was shot and killed in the CHOP/CHAZ zone.

In the email, NE#1 wrote: “This is in your city. What the FUCK are you doing? How about take some more tools away from SPD? PULL YOUR HEAD OUT OF YOUR ASS!!!!!! FUCKING RIDICULOUS!!!!!!” At the bottom of the email, he linked to the SPD Blotter article referencing the homicide.

A City Councilmember brought this email to the attention of the Chief of Police and OPA. This investigation was subsequently initiated.



As part of its investigation, OPA verified that the email in question was sent by NE#1 from his SPD email account. OPA further interviewed NE#1. He acknowledged sending the email. He said that he was home and off-duty when he did so. He said that he intended to send the email from his personal email account but mistakenly sent it from his SPD account. When he realized that he did so, he tried to recall the email via Outlook but was unsuccessful. He said that he also drove into work to try to recall the email, thinking that it would be easier to do so from a Department computer. However, he was again unsuccessful. He eventually sent the same email from his personal account.

NE#1 explained that, at the time he sent the email, he had been continuously working long shifts at the demonstrations. He was frustrated by the City Council's decision to ban certain less-lethal tools and felt that it was "rushed" and that "very little thought was put into it." He stated that he became even more upset when he watched SPD officers attempt to gain access to the CHOP/CHAZ to render aid to a gunshot victim earlier that morning, but to then face hostility from demonstrators. He said that he did not intend to send the email from his SPD email account and, instead, attempted to send it as a private citizen to express his "disgust" with the City Council.

NE#1 recognized that it was improper to send this email from his SPD email account as the email disparaged City Councilmembers and contained profanity. NE#1 admitted that the language he used in his email was derogatory and disrespectful. He did not necessarily believe, however, that the email undermined confidence in him or the Department. He reasoned that some Seattle residents would agree with the thoughts he expressed. He also felt that the email demonstrated that he was passionate about his job and the City.

SPD Policy 12.110-POL-4 concerns communications made via Department email accounts and instructs that such communications must be "professional, appropriate, and lawful." As NE#1 himself noted, his email, which was indisputably sent from his SPD email account, was neither professional nor appropriate. Accordingly, the sending of the email violated this policy and OPA recommends that this allegation be Sustained.

Recommended Finding: **Sustained**

#### **Named Employee #1 – Allegation #2**

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

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.*)

OPA has no difficulty finding that NE#1's email to the City Councilmembers was unprofessional. The email was insulting, disrespectful, and profane. While NE#1 has the right to express his opinions and while he is correct that there may be people who disagree with how the City Council handled the crowd-control ordinance and other matters surrounding the demonstrations and policing, the way he did so was simply inappropriate. This would be the case for any City employee, but it is particularly egregious given NE#1's employment with SPD and the fact that he knows that extra scrutiny is currently placed on officers. Ultimately, NE#1's email did nothing to further the discussion surrounding how to address the very real challenges in policing and, instead, simply added to the dysfunction and maliciousness that is sadly so prevalent in the public discourse today. This is both unfortunate and unacceptable.



For these reasons, OPA recommends that this allegation be Sustained.

Recommended Finding: **Sustained**