



CLOSED CASE SUMMARY

ISSUED DATE: JUNE 12, 2018

CASE NUMBER: 2018OPA-0014

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 9. Employees Shall Strive to be Professional at all Times	Not Sustained (Unfounded)
# 2	5.140 - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing	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 was rude and disrespectful over the phone, telling her that she was “being ridiculous” and “being difficult.” The Complainant further alleged that the Named Employee refused to help her, as well as told her that she was the problem and that she was wasting his time. Lastly, the Complainant alleged that the Named Employee treated her differently because of her gender.

STATEMENT OF FACTS:

Officers received a call for service concerning potential threats of violence. The call came from employees of Seattle Public Utilities (SPU) who stated that a homeowner – identified as the Complainant – had threatened harm to them if they came on her property again. Specifically, they recounted that the Complainant stated that she would “shoot first and ask questions later.” An officer responded to the Complainant’s home but was informed by her roommate that she was at work at that time.

This matter was referred by the officer to the Homicide Unit, where the case was reviewed by Named Employee #1 (NE#1). After speaking with the SPU manager, NE#1 called the Complainant. He stated that the purpose of this call was to “try to broker a deal where [the SPU manager] could come out to the property, or his folks could come out, Seattle Police could come out, it would be on-on the property if he was concerned that she was going to do anything.” NE#1 recounted that the SPU manager was happy with that proposed course of action.

NE#1 stated that he called the Complainant and informed her that, even though the case was not being investigated or referred to a prosecutor, she was the suspect. He explained to her what had been alleged by SPU and that SPU had a legal right to access her property to read her meter and needed to be allowed to safely do so. NE#1 stated that the Complainant responded by saying that: “they’re not coming on my property, I will shoot them if they come on my property, they’ve been on my property before trespassing.” NE#1 stated that they went back and forth for a while and he tried to explain that SPU had legal access to her property with no success. Ultimately, NE#1 told the Complainant: “this is a waste of time, we’re wasting our time here.” The conversation then ended.



The Complainant alleged to OPA that, during their call, NE#1 was “exceptionally difficult and condescending.” She stated that NE#1 sounded “annoyed” and told her that he did not think he should be “bothered with this.” The Complainant recalled that NE#1 told her that this issue “wasn’t worth his time” and that she was being “ridiculous and overreacting.”

NE#1 stated that, during their conversation, the Complainant was “very unreasonable.” NE#1 told OPA that he tried to be as nice as he could to her given the circumstances. NE#1 acknowledged that after going back and forth on whether SPU had the legal right to access her property, he probably “sounded a little annoyed.” NE#1 indicated that he did not say that the Complainant was ridiculous, but instead told her that the situation was ridiculous. He admitted telling the Complainant that she was the “problem.” NE#1 told OPA that he did not believe that he told the Complainant that he should not be bothered with this case or that this issue was not worth his time. He stated that he did say at the end of their conversation: “we’re wasting our time here.” He was referring to the circular nature of their discussion.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.001 - Standards and Duties 9. Employees Shall Strive to be Professional at all Times

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.)

Here, it is clear that NE#1 and the Complainant had a challenging interaction. The Complainant described that NE#1 was condescending, difficult, and annoyed with her. She stated that he spoke to her dismissively and did not take time to understand her, her history, and why she was reluctant to have SPU on her property.

For his part, NE#1 told OPA that the Complainant was “very unreasonable.” Based on her threats to shoot SPU employees who came onto her property, this appears to have been objectively established. Even under his recounting of their interaction, NE#1 became frustrated with the Complainant. However, this could have been merited based on the Complainant’s failure to understand why threatening to shoot SPU employees was inappropriate. I also do not find it necessarily unreasonable for NE#1 to have told the Complainant that their circular conversation was a waste of time. This very well could have been the case under these circumstances.

While, in a perfect world, NE#1 might have been more patient with the Complainant, I do not find that he engaged in unprofessional behavior in this case. Instead, I find, by a preponderance of the evidence, that his actions, demeanor, and conduct towards the Complainant were consistent with policy. For these reasons, I recommend that this allegation be Not Sustained – Unfounded.

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



Named Employee #1 - Allegation #2

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

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 Complainant alleged that she was treated unprofessionally and differently by NE#1 based on her gender. NE#1 denied that his treatment of or interaction with the Complainant was at all based on or affected by bias. He told OPA that he would have taken the same steps and behaved the same way towards the Complainant had she been a man.

I see no evidence in the record supporting the Complainant’s allegation of bias. I believe, as NE#1 stated, that his conduct was based on the Complainant’s alleged behavior, not by her gender. Moreover, as discussed above, I find that the Complainant’s threats and her unreasonable approach towards allowing SPU access to her property governed NE#1’s response. For these reasons, I recommend that this allegation be Not Sustained – Unfounded.

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