



CLOSED CASE SUMMARY

ISSUED DATE: JUNE 18, 2018

CASE NUMBER: 2018OPA-0042

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.002 - Responsibilities of Employees Concerning Alleged Policy Violations 6. Employees Will Report Alleged Violations	Not Sustained (Inconclusive)

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:

It was alleged that the Named Employee may have failed to report misconduct as required by policy.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.002 - Responsibilities of Employees Concerning Alleged Policy Violations 6. Employees Will Report Alleged Violations

On the date in question, Named Employee #1 (NE#1) was working at the store at the Seattle Police Athletic Association (SPAA) gun range. A civilian, who was employed by SPD (herein referred to as the “subject”), entered the store with a friend. The subject began to engage in the process of buying a firearm. During that time, the subject was interacting one of the other store employees. The subject was exploring purchasing a Glock handgun. The subject was given one of the handguns to examine and he and his friend both held the gun and conversed in a language other than English. At one point, the subject’s friend said “yes” to him and he attempted to purchase the firearm.

The store employee facilitating the sale believed, based on the back and forth between the subject and his friend, the fact that both were holding the firearm, and the friend saying “yes” to the subject prior to the subject trying to buy the handgun that it was a potential straw purchase. The store employee confirmed this belief to OPA when interviewed as part of this case.

The store employee noticed that the subject’s SPAA membership was around eight months expired. They then engaged in a dispute over the subject’s membership status and the fact that the store employee kept the badge. Ultimately, the subject did not purchase the firearm and left the store. When he was doing so he said to NE#1: “I don’t think I was treated nicely.” The store employee recounted that NE#1 responded: “That’s what the rules and regulations are. If you have a problem, talk to the SPAA board.”



The store employee told OPA that, after the subject left the store with his friend, he conferred with NE#1 and another store employee about what had occurred. The store employee stated to OPA that he told NE#1 that the subject was a SPD employee. He further told NE#1 that he believed it was an attempted straw purchase.

OPA interviewed the supervisor of the SPAA range, who is a Department sergeant. The sergeant stated that he was informed of this incident several days after it occurred by the store employee. The store employee told the sergeant that he believed the subject had attempted to make a straw purchase. The sergeant indicated that another civilian employee of the store also thought that the subject was potentially involved in an attempted straw purchase. The sergeant told OPA that while he knew the subject, he did not think NE#1 knew the subject. The sergeant also told OPA that he did not think NE#1 believed it was a straw purchase. Even though he did not have personal knowledge of the facts and circumstances of this case or even know that a straw purchase had, in fact, been attempted, the sergeant reported this matter to his supervisor. That supervisor, a Department lieutenant, referred this matter to OPA.

NE#1 told OPA that he was working at the range store on the date in question. He recalled that the subject came into the store with a friend and was looking at a handgun. NE#1 stated that he had no reason to believe that the subject was engaging in a straw purchase. He noted that the subject and his friend were not speaking English, so NE#1 could not understand what they were saying. NE#1 told OPA that he did not know that the subject was employed by OPA until just prior to his OPA interview in this case (months after the incident). NE#1 confirmed that he knew what a straw purchase was. He told OPA that if he observed someone that he knew was a SPD employee engage in such conduct, he would have reported it.

SPD Policy 5.002-POL-6 requires Department employees to report possible misconduct. The policy requires officers to report serious misconduct – such as a violation of law – to both a supervisor and OPA (however, officers are trained that they only need to report to one or the other).

Here, two civilian employees of the range store believed that the subject was attempting to engage in an illegal straw purchase of a firearm. One of those employees told OPA that, nearly immediately after the incident, he discussed this possibility with NE#1 and expressly told NE#1 that the subject worked for OPA. NE#1 denied knowing that the subject was employed by the Department. He further denied having sufficient information to believe that the subject had engaged in a straw purchase. NE#1 explained that, for these reasons, he did not report this matter to either a supervisor or OPA.

If NE#1 was told by the store employee that there was a possibility that the subject engaged in an attempted straw purchase and that the subject worked for SPD, NE#1 would have been required to report that information to a supervisor or OPA. While he indisputably did not report this matter to OPA, NE#1 denies knowing this information and, as such, I cannot conclusively determine whether he violated this policy.

I find it concerning that the store employee stated that he divulged to NE#1 that the subject was employed by SPD, but that NE#1 contended that he did not know of the subject's employment status until months later. Ultimately, one of these individuals did not provide accurate and complete information to OPA.

That being said, and given my review of the totality of the evidence in this case, I recommend that this allegation be Not Sustained – Inconclusive.



Seattle
Office of Police
Accountability

CLOSE CASE SUMMARY

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