



CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 20, 2019

CASE NUMBER: 2018OPA-0701

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 10. Employees Shall Strive to be Professional	Not Sustained (Unfounded)
# 2	5.002-POL 3. Employees Shall Not Discourage, Interfere With, Hinder, or Obstruct Any Person from Filing a Complaint or Conducting or Cooperating...	Not Sustained (Unfounded)
# 3	5.002-POL 11. Employees Will Cooperate with Department Internal Investigations	Not Sustained (Unfounded)
# 4	5.125-POL 2 – Employee Personal Use of Social Media 1. Employees Shall Not Post Speech That Negatively Impacts the Department’s Ability to Serve the Public	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 violated SPD policy when he ridiculed individuals who suffered from mental illness through written comments he made on a social media platform. It was further alleged that the Named Employee may have deleted those comments after receiving notice of OPA’s investigation.

SUMMARY OF INVESTIGATION:

The Complainant alleged that Named Employee (NE#1) violated SPD policy when he ridiculed individuals who suffered from mental illness through written comments he made on a social media platform. The Complainant identified two Facebook groups, Safe Seattle and Seattle Politics Page, as part of the complaint she submitted to OPA. The Complainant also submitted an electronic link to a Facebook posting within the body of her complaint. The Complainant did not include an image or quote of the comments that NE#1 allegedly wrote.

OPA followed the Facebook link that was provided by the Complainant, which led to a July 26 posting associated with *The Seattle Politics Page*, which was titled, “Creeping Creepy Socialist Creeps.” However, OPA found nothing in that posting that involved a discussion about or associated comments regarding mental illness. The linked article appeared to be about the idea that Seattle may be considering outlawing businesses from having on-site cafeterias because they are bad for area restaurants. The opinion piece seemed to suggest that Seattle’s politicians were micro-managing too much.



OPA also conducted a broad search of social media to locate the social media comments referenced by the Complainant, but none were found. In OPA's search, one comment associated with NE#1's name was found, but that comment was about gun safety legislation. That comment was not associated with either of the two Facebook groups referenced by the Complainant and nothing stated in it referenced mental illness or appeared insensitive to any other protected classes.

OPA made repeated attempts to obtain additional and clarifying information from the Complainant, but OPA's communications went unanswered.

OPA interviewed NE#1, who denied the allegations that were made against him. NE#1 stated that he never ridiculed or disparaged individuals who suffered from mental illness, and he claimed not to have deleted any comments or postings associated with the online Seattle Politics Page. NE#1 also denied deleting any social media comments or postings in response to learning that he was the subject of this OPA investigation. NE#1 stated that he did not make any social media comments or postings that could have served to undermine the public's trust and confidence in him and SPD. NE#1 further denied ever making, sharing, or commenting in support of any social media postings that ridiculed, disparaged, or expressed bias or disrespect toward any race, religion, sex, gender, sexual orientation, nationality or any other protected class of individuals.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

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.*)

The Complainant alleged that NE#1 violated the Department's professionalism policy when he made offensive social media postings. If true, this conduct would likely have violated this policy. However, as discussed above, the evidence is insufficient to establish that NE#1 made such posts at all. The Complainant did not provide screenshots or copies of the posts and they could not be located by OPA. For these reasons, I recommend that this allegation be Not Sustained – Unfounded.

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

Named Employee #1 - Allegation #2

5.002-POL 3. Employees Shall Not Discourage, Interfere With, Hinder, or Obstruct Any Person from Filing a Complaint or Conducting or Cooperating with an Investigation of an Allegation of a Policy Violation

SPD Policy 5.002-POL-3 states that SPD employees shall not discourage, interfere with, hinder, or obstruct any person from filing a complaint or conducting or cooperating with an investigation of an allegation of a policy



violation. (SPD Policy 5.002-POL-3.) If NE#1, as alleged, deleted a social media comment or posting after receiving notice that he was the subject of an OPA investigation, it would have constituted a violation of this policy.

As explained above, OPA found no evidence supporting the allegation that NE#1 took any steps to delete any social media comments or posting. Accordingly, I recommend that this allegation be Not Sustained – Unfounded.

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

Named Employee #1 - Allegation #3

5.002-POL 11. Employees Will Cooperate with Department Internal Investigations

SPD Policy 5.002-POL-11 requires Department employees to cooperate with Department internal investigations. This policy was classified for investigation against NE#1 based on the allegation that he may have deleted his social media postings.

As discussed above in the context of Allegation #2, there is no evidence proving that he did so aside from the Complainant's unsupported claims. Accordingly, I recommend that this allegation be Not Sustained – Unfounded.

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

Named Employee #1 - Allegations #4

5.125-POL 2 – Employee Personal Use of Social Media 1. Employees Shall Not Post Speech That Negatively Impacts the Department's Ability to Serve the Public

SPD Policy 5.125-POL-2 states that SPD employees shall not post speech that negatively impacts the Department's ability to serve the public. This policy acknowledges that SPD employees may express themselves as private citizens on social media sites as long as employees do not: make, share, or comment in support of any posting that ridicules, maligns, disparages, expresses bias, or disrespect toward any race, religion, sex, gender, sexual orientation, nationality, or any other protected class of individuals. (SPD Policy 5.125-POL-2(1).) If NE#1, as alleged, made any comments that ridiculed individuals who suffered from mental illness, that would have violated this policy.

As indicated above, OPA found no evidence supporting the claim that NE#1 made the alleged comments. Furthermore, OPA made repeated efforts to obtain additional and clarifying information from the Complainant about the comments that she allegedly saw; however, OPA's outreach attempts went unanswered.

For these reasons and given the lack of evidence, I recommend that this allegation be Not Sustained – Unfounded.

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