



## ***CLOSED CASE SUMMARY***

ISSUED DATE: MARCH 2, 2020

CASE NUMBER: 2020OPA-0021

### **Allegations of Misconduct & Director's Findings**

Named Employee #1

Allegation(s):		Director's Findings
# 1	15.180 - Primary Investigations 5. All reports must be complete, thorough and accurate.	Not Sustained (Lawful and Proper)

***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:**

An anonymous Complainant alleged that the Named Employee improperly told him that he would be trespassed from a Seattle City Light office.

### **ADMINISTRATIVE NOTE:**

This case was designated as an Expedited Investigation. This means that OPA, with the review and approval of the Office of Inspector General for Public Safety, believed that it could reach and issue recommended findings based solely on its intake investigation and without interviewing the Named Employee. As such, the Named Employee was not interviewed as part of this case.

### **ANALYSIS AND CONCLUSIONS:**

#### **Named Employee #1 - Allegations #1**

#### ***15.180 - Primary Investigations 5. All reports must be complete, thorough and accurate***

Named Employee #1 (NE#1) was dispatched to a trespass call at a Seattle City Light (SCL) office. Upon arrival, NE#1 spoke with a security guard. The security guard stated that several individuals came into the office to make a public disclosure request. They were informed by SCL staff that such request needed to be made in downtown Seattle. However, the individuals remained in the office videotaping SCL staff.

SCL staff informed the security guard that they felt threatened by the way the individuals were behaving and described them as acting aggressively. SCL staff, who had moved to the back area of the office away from public view, indicated to the security guard that they did not feel safe and requested that the individuals be removed from the office. This information was relayed to NE#1. Given NE#1's recent experience with one the individuals, he called a supervisor to the scene. At this time, NE#1 interacted with a female customer who expressed frustration with the individuals. It appeared from the Body Worn Video (BWV) of this incident that she may have been prevented from receiving SCL services given the individuals' conduct within the office.

NE#1 spoke with individuals and asked whether he had a business reason for being at the office. The individual stated that he did not want to talk to NE#1. NE#1 informed the individual that, if he did not have a business reason



for being there, he was trespassing. The individual asserted that he could not be trespassed from public property unless a crime was being committed. NE#1 disagreed with his contention. NE#1 spoke to another one of the individuals and asked what his business reason was for being in the office. He stated that he wanted to make a public disclosure request; however, NE#1 noted that this individual had been informed that this was not the appropriate venue to do so. NE#1 again confirmed that SCL staff and security wanted the individuals to leave. NE#1 was indicated that they did want the individuals trespassed.

One of the individuals told NE#1 that he would leave because he wanted customers at the office to be able to get service. He asked for his paperwork back and NE#1 gave it to him. NE#1 then informed the individuals that they were being trespassed from the office based on a request from security. NE#1 told them if they did not leave, they could be placed under arrest. One of the individuals stated to NE#1 that he believed that the security guards and SCL staff had engaged in false reporting. He asked NE#1 to take a report and NE#1 said that he would meet the individual outside to do so. However, when NE#1 later tried to locate the individual, he had left the scene.

A complaint was later filed with OPA. The anonymous Complainant asserted that NE#1 acted inappropriately when he provided the trespass warning.

Based on OPA's review of the evidence, as well as relevant case law, OPA finds that NE#1 acted consistent with policy during this incident. First, the individuals are incorrect that they have an unfettered right to remain within a government building. They do not. Here, the individuals acted in a confrontational manner – as indicated by multiple SCL staff members – and no longer had any official business in the office – they wanted to make a public request and the office was a payment center. Accordingly, they were permissibly directed to leave. Moreover, had they not left, NE#1 would have had probable cause to arrest them. Second, the government may place reasonable time, place, and manner restrictions on First Amendment activity. The restrictions put in place here – directing the individuals to leave the premises once their official business had concluded – were reasonable given the statements made by SCL staff.

Based on the above, OPA recommends that this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained (Lawful and Proper)**