



CLOSED CASE SUMMARY

ISSUED DATE: JULY 26, 2020

CASE NUMBER: 2020OPA-0172

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)

Named Employee #2

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties 10. Employees Shall Strive to be Professional	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 Employees were unprofessional towards him.

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.

In addition, OPA identified concerns with the manner in which the Named Employees provided their identifying information, as well as with Named Employee #1 telling the Complainant that he could not photograph their nametags. These matters were handled at the chain of command level as Supervisor Actions.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

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

Officers, including the Named Employees, responded to a report of a male who had overdosed on narcotics. When they arrived, they located the male, who was lying prone in the Complainant's apartment. The male was given Narcan and was revived. At that time, Seattle Fire Department (SFD) personnel began the process of treating the male in advance of transporting him to the hospital for further medical assistance.

The Complainant began speaking with the male and advised him not to go with SFD personnel to the hospital. The Complainant then spoke to Named Employee #2 (NE#2), who was holding the male's identification at the time. The



Complainant asked if he could have the identification to show it to others at the scene. NE#2 responded that the Complainant could not have it without the male's permission. The Complainant argued with NE#2 about this, ultimately asserting that NE#2 was unprofessional. The Complainant reentered the apartment and spoke with the male who was still being treated. The Complainant and NE#2 both asked the male whether the Complainant could have his identification, and the male eventually said yes.

Named Employee #1 (NE#1) spoke with the building managers, who disclosed that drug activity occurred within the building. NE#1 informed NE#2 of this. The Complainant also spoke to the managers and they discussed the frequency of 911 calls originating from the building.

The Complainant walked back to the apartment and both NE#2 and one of the paramedics asked him to stay outside. The Complainant appeared displeased with being told this and argued with NE#2. The male was walked out of the building and the Complainant advanced towards him. The Complainant asked if the male was being transported to the hospital. A paramedic said that the male was, and it was the male's choice to do so. Officers and paramedics told the Complainant to back away from the male and to return to his apartment. NE#2 and the paramedics continued to speak with the male to try to convince him to go to the hospital. The Complainant, who was standing in the background, urged him not to do so. After telling the male that he could die if he did not go, NE#2 turned back to the Complainant, who was still speaking to the male, and said: "shut up, stop." As the officers prepared to leave, the Complainant asked them for their badge numbers. Both officers provided that information. The Complainant also asked NE#1 to photograph their nametags and NE#1 said no. The Officers then departed.

The Complainant later alleged that the Named Employees treated him unprofessionally during this incident. This investigation ensued. OPA attempted to interview the Complainant; however, he did not respond to OPA. OPA further reviewed the Body Worn Video (BWV), which fully captured this incident.

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.*) Lastly, the policy instructs Department employees to "avoid unnecessary escalation of events even if those events do not end in reportable uses of force." (*Id.*)

Based on a review of the totality of the evidence, OPA does not find that Named Employees were unprofessional during this incident. The Named Employees were trying to ensure medical assistance for the Complainant's friend who had just overdosed and, but for receiving Narcan, would have died. The Complainant continually interrupted the officers and paramedics, as well as interfered in the medical assistance being provided to the male. This included trying to convince the male not to go to the hospital. While the officers appeared to grow frustrated at times, which included NE#2 telling the Complainant to shut up and to stop, OPA does not find that to be unreasonable or unprofessional under the circumstances that face them. OPA further found no evidence of any profanity or derogatory or contemptuous comments made by the Named Employees.

For these reasons, OPA recommends that this allegation be Not Sustained – Unfounded as against both Named Employees.



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

Named Employee #2 - Allegation #1

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

For the same reasons as stated above (see Named Employee #1 – Allegation #1), OPA recommends that this allegation be Not Sustained – Unfounded.

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