



CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 2, 2022

FROM: INTERIM DIRECTOR GRÁINNE PERKINS
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2021OPA-0305

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	8.100 - De-Escalation 1. When Safe, Feasible, and Without Compromising Law Enforcement Priorities, Officers Will Use De-Escalation Tactics in Order to Reduce the Need for Force	Not Sustained (Lawful and Proper)
# 2	5.001 - Standards and Duties 10. Employees Will Strive to be Professional	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:

An anonymous complainant alleged that the Named Employee failed to de-escalate, and her actions might have led to a use of force incident. It was further alleged that the Named Employee frequently “causes drama” in the precinct and spreads rumors about other officers.

SUMMARY OF INVESTIGATION:

As part of this investigation, OPA reviewed the complaint, CAD, Incident/Offense Report and Body Worn Video (BWV). The entirety of the Named Employee's interaction with the community member and the 2 witness officers was captured on BWV. OPA referred the allegation of creating a hostile work environment to the EEO. The EEO determined that this complaint did not have sufficient evidence to merit an investigation from their office.

The Named Employee (NE#1) was dispatched to a QFC Market to investigate a disturbance call. Available information indicated that the disturbance involved an individual on the sidewalk who was yelling and making threats. On attendance at QFC, NE#1 became aware that the security guard who submitted the call had already requested the community member to leave the premise 3 times. This community member had made threats to the security guard threatening to “pull something” on the police upon their arrival. The security guard was unsuccessful trying to move the individual from the border of the property. Two additional officers attended—Witness Officer #1 (WO#1) and Witness Officer #2 (WO#2)—and the Named Employee briefed them of the situation.

The community member lay on the ground with his eyes closed. NE#1 noted that he was wearing a medical bracelet. As the NE#1 examined the bracelet, the individual opened his eyes and stated that he was sunbathing. A conversation ensued where the individual became argumentative and combative threatening both NE#1 and the witness officers with physical violence. The individual abruptly removed himself from the officers' presence and moved further



Eastbound down the property line. NE#1 and both witness officers again contacted the community member attempting to garner his name from the medical bracelet. The community member became combative and threatened to punch WO#1. WO#1 raised his arm towards the community member and shouted, “Hey, get back right now!” WO#2 repeated this instruction to the community member. A remark was then made to the community member along the lines of “You need to fff...ing go.” However, it is unclear from the BWV both who made this remark and what, precisely, was said. The community member was informed about what would happen if he failed to leave the area. NE#1, WO#1 and WO#2 discussed the available options for dealing with the situation, namely whether to arrest the community member or leave the vicinity to de-escalate the situation. NE#1 screened the incident with her sergeant to determine the best approach. After screening with the Sergeant, NE#1 decided to leave the area without arresting the community member.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

8.100 - De-Escalation 1. When Safe, Feasible, and Without Compromising Law Enforcement Priorities, Officers Will Use De-Escalation Tactics in Order to Reduce the Need for Force

“De-escalation tactics and techniques are actions used by officers, when safe and without compromising law enforcement priorities, that seek to minimize the likelihood of the need to use force during an incident and increase the likelihood of voluntary compliance.” (SPD Policy 8.100-POL)

NE#1 attended the incident with two witness officers. When the community member woke up, he was aggressive and began shouting at the officers. Both witness officers used verbal instructions to tell the community member “Get back right now” as he continually approached in a fighting manner. OPA finds that the actions of the officers appropriately engaged time, distance, and shielding in order to de-escalation this engagement. NE#1 stated to the witness officers that “If he [is] going to – threaten us, what do you think he is going to do to other people – you know?” NE#1 then reasoned out the different options available in dealing with the community member. OPA finds that NE#1 was not only concerned about the immediacy of this incident, but the possibility of an occurrence with another community member later that day. NE#1 and the witness officers did not agree on a plan, and NE#1 decided—appropriately—to screen the incident with her supervisor. OPA found this to be the best course of action and in alignment with SPD policy 8.100 where the overall goal of this policy is to promote thoughtful resolutions to situations and to reduce the likelihood of harm to all persons involved.

Accordingly, OPA finds that this allegation lacks merit based on OPA's review of the BWV and recommends a finding of Not Sustained (Lawful and Proper).

Recommended Finding: Not Sustained (Lawful and Proper)

Named Employee #1 - Allegation #2

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

An anonymous complainant alleged that NE#1 creates a hostile work environment for most officers that work around her, has unprofessional contacts with other officers, frequently causes “drama” in the precinct, and spreads rumors about officers.

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.*)

When interviewed by OPA, NE#1 described her working relationship with her colleagues as amicable. She stated that in her career, she has heard and spread secondhand information, which she recognized could be interpreted as rumors. NE#1 said she could not identify any incidents where she had arguments of note with coworkers. NE#1 indicated that in her decades of police service there were possibly some comments which could be considered derogatory or disrespectful.

Based on the available information, this complaint presents as a possible personality conflict between the complainant and NE#1. There is no available evidence to support the allegation of the creation of a hostile work environment. This portion of the professionalism allegation is unfounded.

In the BWV, someone is overheard making a statement to the community member along the lines of “You need to fff....ing go.” Such a comment could possibly have violated SPD’s policies on de-escalation and professionalism. However, this comment was made after the community member repeatedly engaged in threatening behavior and abusive language towards the officers. It is unlikely that such a comment would have further escalated the community member. Accordingly, this behavior is most appropriately analyzed under the rubric of unprofessional behavior. Although it is possible this comment was made by NE#1, OPA cannot conclude by a preponderance of the evidence who made the comment or even what, precisely, the comment was. Moreover, this comment was apparently said as an immediate reaction to the community member’s menacing behavior. This portion of the professionalism allegation is inconclusive.

Accordingly, the OPA recommends that this allegation be Not Sustained (Inconclusive).

Recommended Finding: Not Sustained (Inconclusive)