



CLOSED CASE SUMMARY

ISSUED DATE: JULY 6, 2022

FROM: INTERIM DIRECTOR GRÁINNE PERKINS
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2021OPA-0521

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties 10. Employees Will Strive to be Professional	Not Sustained - Training Referral

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 Named Employee #1 (NE#1) made disparaging statements about Seattle Police Department and made other unprofessional comments to a newly rehired sworn employee. It was alleged that NE#1 used "confrontational, accusatory, and rude" language when speaking with a civilian colleague on a different occasion.

SUMMARY OF INVESTIGATION:

The complaint was submitted to OPA as a Blue Team Summary by the Lieutenant in charge of the Seattle Police Department Training Unit. OPA noted that when the complaint was received there was a counselling memorandum attached setting out the expectations of the Department and which had already been served on NE#1. The complaint pertained to NE#1 making disparaging comments when he was inspecting Witness Officer #1's (WO#1) firearm while she was at a training day on the firing range. It was alleged that NE#1 stated that WO#1 was "Fu***** stupid" and that he could not understand why she would come back to this "sinking ship". WO#1 had recently returned to SPD having worked for another police agency.

OPA commenced this investigation. During the intake phase of the investigation, OPA received further information from the reporting Lieutenant relating to an allegation that NE#1 had previously engaged in a disrespectful manner with a different civilian employee.

During the course of its investigation, OPA reviewed the complaint, emails and associated correspondence about the allegations made. OPA also interviewed the chain of command staff who were involved in the reporting of this matter, namely the reporting Lieutenant (i.e., the Complainant), the person to whom WO#1 initially made aware of the comments, Witness Officer #2 (WO#2), NE#1's supervisor, Witness Officer #3 (WO#3). OPA also interviewed, the officer who was the subject of the comments, i.e., Witness Officer (WO #1), and an officer who was present at the range on the day that the comments were made, Witness Officer #4 (WO#4). NE#1 was also interviewed.



In her interview, WO#1 stated that she “was kind of just like in shock” after NE#1 made the comments to her. WO#1 stated that others present were looking at them as the conversation occurred. WO#1 said she responded to the comments by saying, “I don't recall asking for your opinion about any decisions that I've made in my personal or professional life.” and, “and your attitude is horrendous”. WO#1 then left the area.

On leaving the range, NE#1 reported the comments made to WO#2 who was the acting Lieutenant at the time. WO#2 then reported them to the Lieutenant. Neither WO#2 or the Lieutenant heard the comments. WO#4 who was interviewed on the range did not hear the comments. NE#1's supervisor, WO#3, did not hear the comments nor was he made aware of the counselling memorandum that was served on NE#1 by the Lieutenant.

OPA also interviewed the civilian Witness Employee #1 (WE#1) who NE#1 had allegedly been rude to in the summer of 2021. WE#1 had been tasked with the House Bill and Law Enforcement reporting to the State about what they deemed to be military equipment. As part of her job and the list to report to the state, she was given 2 names of employees to assist her. One of the names was NE#1.

WE#1 stated that she had a phone call with NE#1 where he was “very confrontational” and to “be honest, he was rude”. WE#1 stated that once NE#1 understood the context of the phone call and that she worked for SPD the conversation improved and he subsequently stated, “that was a great bill you drafted”. WE#1 felt that NE#1 “he needed to just blow off some steam about the legislation”. He was “dealing with legit issues that officers had”. WE#1 expressed that NE#1's commentary was “out of nowhere” and once she connected to him, he actually apologized at one point and expressed concerns. WE#1 stated that the phone call with NE#1 “did not impact me that I felt the need to reach out to OPA”. This matter was addressed when it occurred by NE#1 chain of command. There was no written documentation or PAS entry made.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

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

SPD Policy 5.001-POL-10 requires that SPD employees “strive to be professional.” The policy further instructs that “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers” whether on or off duty. (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.)

OPA noted that as part of the expectations set by the department which were served on NE#1, part of the requirements were that “Until this matter is resolved, you will not be permitted to instruct classes for in-service or new officers. You may armor firearms as that is your primary duty and work in the SPAA store”.

OPA also noted that on the same day, after the counselling memorandum was served on NE#1, he sent an email to WO#1. This was done on NE#1's own volition and he was not directed to do so by his chain of command. The narrative included an apology for what he said to her at the Range. In part it reads, ‘I wanted to reach out to you personally to apologize about our interaction at qualifications on Wednesday. I do not want you to think that I in anyway implied



that I thought you were dumb I was merely stating that I was shocked at your decision to return". WO#1 responded, "Thank you [NE#1 name]".

When interviewed, NE#1 admitted he spoke to NE#1, as alleged. NE#1 stated, "I have a potty mouth. I fully admit that I could have very well said f***** and I don't remember". NE#1 took responsibility for the statements that he made with NE#1. NE#1 didn't realize that he "had hit a nerve" with WO#1 when they had the exchange and that he assumed that WO#1 was having a bad day. Regardless of this, OPA recognizes the unique position that trainers hold in police departments where they are required to set standards for the department with both new and current employees. NE#1 is no different in this regard. Professionalism requires a behavior which does not undermine public trust in the Department, the officer, or other officers. NE#1 stated that it was not his intention to make WO#1 feel bad and he wrote an email apologizing for the interaction without being directed to do so.

In relation to the conversation with WE#1, NE#1 relayed the conversation had. The conversation centered around potentially contentious decisions being made around use of force issues post George Floyd. NE#1's version of the conversation mirrored the explanation given by WE#1. NE#1 stated that when he was spoken to by his chain of command the next day, he explained that, "I didn't go out looking to talk to them [WE#1]- they looked to talk to me". NE#1 explained that they had a differing opinion. OPA does not doubt the strong opinions held by NE#1 and that he feels passionately about the topic which he discussed with WE#1.

Up until the most recent incident, OPA also noted that NE#1 had no PAS entries, or any disciplinary matters recorded. OPA notes that even though NE#1 had been spoken to about his negative interaction with WE#1 there was no supporting documentation to support the counselling meetings had. OPA understands that there has been a high turnover of supervisory staff in the unit and appreciates that the chain of command is now taking corrective steps in this regard.

OPA appreciated NE#1's candid responses in interview. OPA finds that NE#1's engagement constituted a possible, but not necessarily willful, violation of policy that did not amount to misconduct. NE#1 needs to be cognizant and reminded that *how* something is conveyed is as important as *what* is conveyed particularly from a professionalism perspective. OPA also noted that WE#1 did not believe that this matter warranted an OPA referral. OPA also noted the counselling steps and restricted duties which NE#1 had been placed on by his chain of command since this interaction.

Accordingly, OPA recommends that this allegation be Not Sustained, Training Referral.

- **Training Referral:** Even though NE#1's chain of command has already discussed this incident with him, OPA recommends that NE#1's chain of command should go over the expectations of professional engagement with NE#1 as it relates both sworn and non-sworn members through the lens of SPD Policy 5.001-POL-10. OPA also recommends that the supervisory staff should conduct and document regular performance reviews with NE#1 and indeed other staff to monitor these behaviors. OPA also recommends that NE#1's supervisor be kept abreast of any such counselling memorandums to ensure that the entire chain of command manage their staff appropriately. Any counseling should be documented, and this documentation should be maintained in Blue Team.

Recommended Finding: **Not Sustained - Training Referral**