




CLOSED CASE SUMMARY

ISSUED DATE: MAY 8, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0394

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 (Expedited)
# 2	5.001 - Standards and Duties 6. Employees May Use Discretion	Not Sustained - Unfounded (Expedited)

Named Employee #2

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties 10. Employees Shall Strive to be Professional	Not Sustained - Unfounded (Expedited)
# 2	5.001 - Standards and Duties 6. Employees May Use Discretion	Not Sustained - Unfounded (Expedited)

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:

OPA received several complaints about an SPD SWAT training—led by Named Employee #1 (NE#1) and Named Employee #2 (NE#2)—near School #1—an elementary school. Those complaints alleged that SWAT's training near School #1 was insensitive and unprofessional, considering a recent local school shooting.

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. That means OPA, with the Office of Inspector General's (OIG) review and agreement, believed it could reach, and issue recommended findings based solely on its intake investigation without interviewing the involved employee. As such, OPA did not interview the involved employee in this case. OIG also certified this investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

OPA reviewed the complaints, corresponded with SWAT's command staff, and interviewed Principal #1—School #1's principal. In summary, the OPA complaints alleged:

- Complainant #1- On October 19, 2022, SWAT alerted School #1 it was conducting a training on 5th Avenue NE. However, on November 9, 2022, that training occurred at a different location adjacent to School #1's playground without notifying School #1. The training happened during student dismissal.



- Complainant #2- While picking up her daughter, Complainant #2 saw police activity and several firearms. She did not want her daughter exposed to it.
- Complainant #3- The house where SWAT trained was visible from School #1's playground. Complainant #3 requested that SWAT not train nearby during school hours.
- Complainant #4- Children were unacceptably exposed to SWAT officers loading firearms.
- Complainant #5- A couple of weeks prior, SWAT told School #1 it would train nearby but indoors. On November 9th, teachers and students saw portions of the training that were conducted outdoors.
- Complainant #6- A couple of months prior, School #1 told parents that SWAT would conduct drills at two nearby houses. SWAT agreed to notify the school before the drills. However, students saw officers with firearms from School #1's playground.

Principal #1 told OPA that officers provided in-person notice before SWAT's October 19, 2022, training near School #1. However, there was no notice before the November 9, 2022, training. Principal #1 said she learned about the November 9th training from student reports. She indicated that the training occurred on 5th Avenue near NE 40th Street and was observable from School #1's playground.

SWAT training records (dated October 19, 2022) showed the November 9th training was scheduled from 11:00 AM to 8:00 PM. NE#1 and NE#1 were listed as cadre leaders. The location was the 4000 block of 5th Avenue NE. It indicated School #1 and the "nearest neighbor" were notified. Training topics included hostage rescue and limited penetration.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

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

Complainants alleged that NE#1 and NE#2 were unprofessional by leading a SWAT training near School #1 during school hours.

SPD employees must "strive to be professional." SPD Policy 5.001-POL-10. Further, "employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers," whether on or off duty. *Id.*

Here, the evidence does not support the allegations that the November 9th SWAT training undermined public trust in the Department or its officers. SWAT's lieutenant told OPA that SWAT officers are given latitude to conduct training "in the spirit of [Criminal Justice Training Center] SWAT Basic, SPD SWAT Pup School, and the experiences of our trainers." Several complaints, Principal #1, and SWAT records indicated that School #1 was notified before the initial October 20th training. However, found no policy or training requiring that accommodation. Understandably, the Complainants were discomforted by firearms and militarized drills near their children's playground. While training outside school hours was a more prudent choice in light of local and national school shootings, OPA cannot conclude the named employees' behavior violated policy.



Accordingly, OPA recommends this allegation be Not Sustained - Unfounded (Expedited)

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

Named Employee #1 - Allegation #2

5.001 - Standards and Duties 6. Employees May Use Discretion

Complainants alleged that NE#1 and NE#2 used unreasonable discretion by leading a SWAT training near School #1 during school hours.

“Employees are authorized and expected to use discretion in a reasonable manner consistent with the mission of the department and duties of their office and assignment.” SPD Policy 5.001-POL-6. Further, “Discretion is proportional to the severity of the crime or public safety issue being addressed.” *Id.*

Here, the SWAT training occurred down the street and hill from School #1. While the drills were observable from School #1’s playground and to parents picking up students, the training was not in unreasonable proximity. Although coordination with School #1 for the November 9th training would have been thoughtful and considerate, the lack thereof does not constitute a policy violation.

Accordingly, OPA recommends this allegation be Not Sustained - Unfounded (Expedited)

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