



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2014-0526

Issued Date: 05/27/2015

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (9) Professionalism (Policy that was issued 07/16/14)
OPA Finding	Not Sustained (Management Action)
Allegation #2	<u>Seattle Police Department Manual</u> 5.001 (11) Must Be Truthful & Complete in All Communications (Policy that was issued 07/16/14)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

INCIDENT SYNOPSIS

The named employee entered the King County Courthouse while in plain clothes and carrying a backpack that contained a handgun stating that he was on official business for the Seattle Police Department. However, he entered an ex-parte courtroom for a civil issue. A King County Sheriff Deputy later contacting him regarding his status and the named employee claimed he did not know if he was on official business.

COMPLAINT

The complainant, a supervisor within the department, alleged that the named employee stated that he was on official business when he entered the courthouse, when in fact, he was not.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint memo
2. Search for and review of all relevant records and other evidence
3. Interviews of SPD employees

ANALYSIS AND CONCLUSION

The evidence showed that the named employee and his chain of command were confused and/or misinformed regarding whether or not the named employee's reason for visiting the courthouse that particular day qualified as "official business" of SPD. In addition, the investigation found that SPD has no policy and/or directive that speaks to the issue of what constitutes official SPD business for the purpose of carrying a weapon into the courthouse.

FINDINGS

Named Employee #1

Allegation #1

The evidence showed that the named employee and his chain of command were confused and/or misinformed regarding whether or not the named employee was on official SPD business. Therefore a finding of **Not Sustained** (Management Action) was issued for *Professionalism*. It is recommended that SPD clearly articulate through policy and/or directive to its commissioned personnel the conditions under which they are permitted to state they have "official agency business" inside the King County Courthouse.

Allegation #2

The evidence did not show that the named employee was not truthful when he was not sure if he was on official business when he entered the courthouse on that particular day. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Must Be Truthful & Complete in All Communications*.

The OPA Director's letter of Management Action recommendation to the Chief of Police is attached to this report.

NOTE: The Seattle Police Department Manual policies cited for the allegation(s) made for this OPA Investigation are policies that were in effect during the time of the incident. The issued date of the policy is listed.



May 22, 2015

Chief Kathleen M. O'Toole
Seattle Police Department
PO Box 34986
Seattle, WA 98124-4986

RE: MANAGEMENT ACTION RECOMMENDATION (OPA2014-0526)

Dear Chief O'Toole:

The Office of Professional Accountability (OPA) recently completed its investigation into allegations that an off-duty Seattle Police Department (SPD) officer brought discredit on the Department when he violated King County Superior Court rules. Specifically, it was alleged that the named employee, who was in plain clothes and armed, told the King County Sheriff deputies working the security checkpoint at the courthouse that he was on official business when, in fact, he was not. Courthouse rules only allow law enforcement officers to be armed in the courthouse if they are engaged in official business. The Superior Court's General Administrative Order for Security Screening reads, in part:

3. Exceptions to Mandatory Screening. The following persons are exempt from mandatory screening, and may possess certain prohibited items, to the extent described below:

(A) Commissioned law enforcement personnel while present in court facilities on official agency business, and only with respect to prohibited items they are authorized to possess or carry by their employing agency, or prohibited items that are to be used as exhibits (evidence) in a pending court case, if rendered safe.

Notwithstanding the above, the persons listed in subsection (A) – (D) shall be subject to mandatory screening if entering court facilities to conduct personal business. Personal business includes, but is not limited to presence at court facilities as a party to an action under chapter 10.14 (harassment), 10.99 (domestic violence), or 26.50 (domestic violence prevention) or any action under Title 26 RCW where any party has alleged the existence of domestic violence as defined in RCW 26.50.010.

5. Commissioned law enforcement personnel not wearing a clearly identifiable uniform shall not be allowed to enter court facilities with a prohibited item of any kind (including, but not limited to any weapon) unless they clearly display official photo identification from their agency confirming that they are a commissioned law enforcement officer and are on the official business of their agency.

6. Commissioned law enforcement personnel entering court facilities on personal business who violates any provision of this order shall promptly be reported to their employing agency.

The OPA investigation found that the named employee and his chain of command were confused and/or misinformed regarding whether or not the named employee's reason for visiting the courthouse that particular day qualified as "official business" of SPD. In addition, we found that SPD has no policy and/or directive that speaks to the issue of what constitutes official SPD business for the purpose of carrying a weapon into the courthouse.

Given the close proximity of the King County courthouse to SPD headquarters and the many reasons, both official and personal, why commissioned SPD employees might need to be in the courthouse, it seems prudent that SPD provide clear guidance to its officers.

Recommendation: It is my recommendation that SPD clearly articulate through policy and/or directive to its commissioned personnel the conditions under which they are permitted to state they have “official agency [SPD] business” inside the King County Superior courthouse and are thus exempt from Mandatory Screening. Similarly, SPD employees should be reminded of their obligation to obey the courthouse rules set by the King County Superior Court.

Thank you very much for your prompt attention to this matter of public trust and confidence in the professional conduct of the SPD and its employees. Please inform me of your response to this recommendation and, should you decide to take action as a result, the progress of this action.

Sincerely,

A handwritten signature in blue ink, appearing to read "Pierce Murphy", written in a cursive style.

Pierce Murphy
Director, Office of Professional Accountability