



CLOSED CASE SUMMARY

ISSUED DATE: DECEMBER 19, 2017

CASE NUMBER: 2017OPA-0625

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 9. Employees Shall Strive to be Professional at all Times	Sustained
# 2	1.110 - Media Relations VII. A. The Chief of Police or a Deputy Chief will screen the information that will be released to the media [...]	Not Sustained (Inconclusive)

Imposed Discipline

Oral Reprimand

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 Complainants alleged that the Named Employee's Twitch broadcast that discussed a recent officer-involved shooting was insensitive, disrespectful, insulting, and "tone-deaf." During intake, OPA added the allegation that the information was not properly screened by the Chief of Police or the Deputy Chief before release.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.001 - Standards and Duties 9. Employees Shall Strive to be Professional at all Times

In 2016, the Department developed a program called “Fuzz Feed 206.” This program consisted of several members of the Public Affairs Unit playing a video game on Twitch, a live streaming channel. During the program, the involved Department employees, which included Named Employee #1 (NE#1), would discuss issues of importance to the public and the Department and provide information. The employees played a video game called “Destiny,” which was a “first person shooter” that involved human characters armed with weapons (including guns) that were used to kill non-human entities. The program was a means for the Department to reach a broader subsection of the community, including younger and more diverse viewers.

NE#1 is the head of the Public Affairs Unit. His normal duties include releasing information via social media and communicating directly to the news media. As a function of those duties, he is entitled to release information on behalf of the Department. Moreover, at the time of the incident, NE#1 had the general authorization of the Department to conduct the Fuzz Feed 206 program and, in doing so, to disseminate publicly available information. (See Deputy Chief Best’s Written Answers to OPA Questions.)

NE#1’s broadcast was just days after an officer-involved shooting that resulted in the death of Charleena Lyles. The



shooting was controversial, received a significant amount of media coverage, and was a matter of great concern to the public. During the Fuzz Feed 206 broadcast, which occurred on June 21, 2017, NE#1 played the Destiny game by himself while live streaming on Twitch. While he did not engage in any simulated shooting, the character he was playing carried on gun on his back throughout the stream. As an introduction to the program, NE#1 noted the seriousness of the incident. He then went on to discuss information regarding the incident that had already been publicly released. The broadcast resulted in an immediate uproar and widespread criticism. OPA received complaints from a number of community members, as well as an OPA referral from NE#1's chain of command.

In response to written questions from OPA, Deputy Chief Best indicated that no one in the Department pre-screened the content of the broadcast, but that the expectation was that it would remain within policy. (See Deputy Chief Best's Written Answers to OPA Questions.) Deputy Chief Best confirmed that the sharing of information relating to the shooting in question was not, in her knowledge, authorized by anyone in NE#1's chain of command. (See id.) NE#1 told OPA that prior to the date in question, he had live streamed the Fuzz Feed 206 program on 22 other occasions. He stated that his chain of command, including Deputy Chief Best, were aware of this and had access to those archived programs. Included among these prior broadcasts, were two programs during which he discussed other officer-involved shootings. Neither broadcast resulted in any controversy, were flagged by his chain of command as possibly violating policy, or were referred to OPA.

SPD Policy 5.001-POL-9 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-9.)

I do not believe that NE#1's behavior was intentionally purposed to cause harm; however, it represented a substantial lapse of judgment. At the time he engaged in the broadcast, people throughout the City, including many in Seattle's communities of color, were reeling from the shooting death of Ms. Lyles. It was inappropriate to casually discuss the shooting while playing a video game, particularly when NE#1's character in the video game was carrying a firearm. While the Fuzz Feed 206 program was well intentioned as a general matter, this particular broadcast was insensitive and disrespectful. Moreover, it was contrary to the Department's expectations, as exemplified by Deputy Chief Best's responses to OPA's questions and the referral of this matter to OPA by NE#1's chain of command.

Ultimately, the responsibility of SPD employees is that they will conduct themselves in a manner that warrants the trust and confidence of the community and upholds and maintains the reputation and public perception of the Department. Here, NE#1 did not do so as was reflected by the extremely negative response from community members. His behavior negatively impacted the Department and was thus contrary to policy. For these reasons, I recommend that this allegation be Sustained.

Recommended Finding: **Sustained**

Named Employee #1 - Allegation #2

1.110 - Media Relations VII. A. The Chief of Police or a Deputy Chief will screen the information that will be released to the media [...]

SPD Policy 1.110(VII) governs the release of information by the Department and its employees to the media. SPD Policy 1.110(VII)(A) concerns officer-involved shootings and states the following: "The Chief of Police or a Deputy



Chief will screen the information that will be released to the media in an officer involved shooting or where a serious injury or death of a person occurs as a result of police activity.”

While it does not appear that NE#1 “pre-screened” his intent to discuss aspects of the shooting during the broadcast, based on the fact that he had previously discussed officer-involved shootings during the Fuzz Feed 206 program without seeking the approval of his chain of command and based on the fact that there was no later objection to him doing so in those instances, it is unclear, given his role in the Department, that he was required to do so.

When he received an order from Deputy Chief Best to not discuss the shooting further, he complied with that direction. NE#1 did participate in an interview with Geekwire two days later, but did not talk about the substance of the shooting. Instead, he explained that the Fuzz Feed 206 program was being discontinued and offered his regrets for how the broadcast was perceived by the public. The following day, he received further instruction from Deputy Chief Best to not even discuss Fuzz Feed 206 or Twitch, and, from that point on, he provided no further comment. As such, while I find that NE#1 may have technically violated SPD policy by not clearing his decision to discuss the shooting with his chain of command before broadcasting, he appears to have believed in good faith that it was unnecessary to do so. Even though, as explained above, I find that NE#1’s decision to discuss the shooting while playing a video game was a significant lapse of judgment, there is insufficient evidence to establish that he violated this section of the policy.

For this reason, I recommend that this allegation be Not Sustained – Inconclusive.

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