



CLOSED CASE SUMMARY

ISSUED DATE: June 11, 2018

CASE NUMBER: 2017OPA-1228

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	Not Sustained (Inconclusive)
# 2	5.140 - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing	Not Sustained (Unfounded)

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 Complainant alleged that the Named Employee was rude during their phone conversation regarding her concerns surrounding the response by two other officers to her home. During OPA's intake, the Complainant further alleged that her negative interaction with the Named Employee may have been inappropriately based on her gender.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

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

Officers responded to an alarm that went off at the Complainant’s home. The officers did not observe any signs of forced entry or property damage and noted that the residence appeared to be secure. The officers then cleared the call. The Complainant was unhappy with the nature of the officers’ response. Specifically, the Complainant believed that the officers’ response was cursory and incomplete. She stated that she called a supervisor to discuss her concerns. The Complainant told OPA that she spoke to Named Employee #1 (NE#1) and detailed to him why she believed the officers’ investigation to have been inadequate. She relayed that NE#1 was defensive about the officers’ conduct and tried to explain to her why their investigation was complete. The Complainant alleged that NE#1 was “incredibly rude” to her on the phone, “raising his voice” and “discounting” her “observations. She further noted that: “He was raising his voice, but telling me he was having a hard time hearing me, and ‘I was breaking up’ on my landline.”

During his OPA interview, NE#1 recounted his involvement in this incident. He stated that he was assigned as an Acting Sergeant and that he recalled calling the Complainant based on her request for contact by a supervisor. NE#1 explained that he asked the Complainant what her concerns were. She was upset at the response time by the officers, but NE#1 tried to convey to her how busy they were and the priority of responses to calls. He stated that they went “back and forth” concerning this issue and that he ultimately had to get off the phone because he needed to screen an incident in the field. He told the Complainant that he would call her back in 20 to 30 minutes. He recalled that, at one point, the Complainant asked him to come to her residence and view video of the officers’ response. He declined to do so. When NE#1 called the Complainant back they further discussed the incident and the



Complainant told him that she was concerned she would be fined by the City of Seattle for a “false alarm.” NE#1 addressed this issue with her, but the Complainant remained upset. At that point, NE#1 provided her with OPA’s contact information. NE#1 stated that he spoke to the involved officers after he talked to the Complainant to get their accounts of what occurred. The officers indicated that they handled this call as they would have handled any other alarm.

NE#1 denied that he was “incredibly rude” to the Complainant. He stated that, at one point, he did raise his voice, but that it was not out of frustration or anger. Instead, he raised his voice because “there was a beeping noise [on the phone line] and it sounded like it was breaking up.” NE#1 stated that he did not use a tone that was bullying towards the Complainant and that he was not “demeaning and belittling.” NE#1 denied unilaterally hanging up on the Complainant. NE#1 further denied that he discounted her observations. In response to the Complainant’s allegation that he was “defensive” of the officers, NE#1 stated that he believed that the officers handled this call in a standard manner and that he relayed this to the Complainant.

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.)

Here, there is a dispute of fact as to the nature of the interaction between NE#1 and the Complainant. The Complainant alleged that NE#1 was unprofessional, but NE#1 denied engaging in such behavior. Instead, NE#1 explained that he tried to address the Complainant’s concerns with patience and understanding, but that, when she continued to be upset, he referred her to OPA. There is no recording of the telephone conversation and thus no evidence establishing the tone and demeanor of both parties by a preponderance of the evidence. As such, I cannot reach a conclusive determination concerning this allegation and, accordingly, I recommend that this allegation be Not Sustained – Inclusive.

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

Named Employee #1 - Allegation #2

5.140 - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing

The allegation of bias was premised on the Complainant’s allegation to OPA that NE#1’s purported unprofessional demeanor towards her was based on her gender. Specifically, the Complainant suggested to OPA that, had NE#1 been speaking with her husband instead of her, he might have handled the call differently or have been more concerned. NE#1 adamantly denied that this was the case and stated that the nature of his interaction with the Complainant had nothing to do with her gender.

SPD policy prohibits biased policing, which it defines as “the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws as well other discernible personal characteristics of an individual.” (SPD Policy 5.140.) This includes different treatment based on the race of the subject. (See *id.*)

Even if NE#1 was unprofessional in this case, which I do not find based on the evidentiary record, there is nothing suggesting that this was based on bias on the part of NE#1. Indeed, the Complainant presented no specific



information proving that this was the case. For these reasons, I recommend that this allegation be Not Sustained – Unfounded.

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