



CLOSED CASE SUMMARY

ISSUED DATE: APRIL 27, 2019

CASE NUMBER: 2018OPA-0998

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)
# 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 unprofessional towards him and provided him with less information concerning a homicide investigation because of the Complainant’s race.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

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

The Complainant’s son was tragically murdered. The investigation into the homicide was assigned to Named Employee #1 (NE#1) and another detective. During the pendency of the investigation, NE#1 spoke with the Complainant on several occasions. NE#1 also communicated with the fiancé of the deceased.

The Complainant filed this complaint alleging that NE#1 was unprofessional during their communications and that NE#1 was biased when he provided information to the fiancé that he did not also provide to the Complainant. The Complainant asserted his belief that this was based on the fact that he is African-American and the fiancé is White.

With regard to the allegation of unprofessionalism, the Complainant asserted that NE#1 did not return his phone calls, only provided him with limited information, told him that he watched too much television in response to his questions, got in a shouting match with him, and told the Complainant that his son was not important. With regard to this latter statement, the Complainant stated that he had captured it on a recording. However, OPA determined that, in fact, there was no recording.

NE#1 told OPA that he did speak to the Complainant on a number of occasions. However, he stated that it was the role of the Victim Support Advocate to maintain ongoing communications with the families of victims and that he was focused on pursuing the investigation. NE#1 stated that he provided the Complainant with as much information as he could, but that what he could say was limited by the ongoing investigation and protections over disclosure.



NE#1 did not recall ever telling the Complainant that he watched too much television or getting in a yelling match. NE#1 further denied telling the Complainant that his son was not important. To the contrary, NE#1 said to OPA that he took the investigation very seriously and thought the victim was important. He asserted that he and the other Detective assigned to the case did a good job as they were able to refer the case to the King County Prosecuting Attorney's Office.

SPD Policy 5.001-POL-10 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-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.*)

At the outset, I note my deep sympathy for the Complainant's loss. I cannot imagine how frustrating it must have been for the Complainant to wait for the investigation to take place, while not receiving updates as frequently as he wanted to and while not getting full information. Even though I believe that this is more than understandable, I do not find that this constitutes unprofessional behavior on NE#1's behalf. To the contrary, NE#1 was bound by strict disclosure requirements and, based on his account, tried to be as responsive as he could and to provide as much information as he could.

To the extent it could be proved that NE#1 told the Complainant that his son was unimportant, this would certainly have been an unprofessional statement. However, NE#1 denied that he said this and there is no evidence in the record, including no recorded statement as the Complainant initially asserted, proving otherwise.

Ultimately, there is insufficient evidence to prove that NE#1 was unprofessional. As such, I recommend that this allegation be Not Sustained – Unfounded.

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

Named Employee #1 - Allegation #2

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

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.*)

As discussed above, the Complainant alleged that NE#1 engaged in biased policing when he provided information to his son's fiancé, who is White, but not to the Complainant, who is African-American.

During its investigation, OPA attempted to contact the fiancé in order to interview her; however, she did not participate in an interview. NE#1 denied that he provided more information to the fiancé because of her or the Complainant's race. He stated, however, that he did maintain close contact with her because of the nature of her relationship with the victim, who was an adult at the time of the shooting.



As with Allegation #1, there is insufficient evidence in the record to establish that the nature and amount of information shared with the Complainant versus that shared with the fiancé was based on race. As such, I recommend that this allegation be Not Sustained – Unfounded.

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