



CLOSED CASE SUMMARY

ISSUED DATE: AUGUST 30, 2020

FROM: DIRECTOR ANDREW MYERBERG
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2020OPA-0045

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	Sustained Rapid Adjudication
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 Complainant alleged that, while she was photographing and filming officers who were on a call, Named Employee #1 (NE#1) pointed to his crotch while stating: "I'll give you full frontal." She asserted that this was unprofessional.

The Body Worn Video (BWV) for this incident confirmed that, while he was being photographed by the Complainant, NE#1 asked her several times whether she wanted a "full frontal" shot and/or a "side profile." Notably, NE#1 made these statements even though the Complainant had the right under policy and City law to record him. The BWV further did not disprove the allegation that NE#1 may have gestured towards his crotch area when referencing a "full frontal" shot, which has a sexual connotation.

ADMINISTRATIVE NOTE:

OPA asked NE#1 if he would like to process his case under Rapid Adjudication (RA). RA is provided for in the Seattle Police Officers' Guild's collective bargaining agreement (CBA) with the City. It allows for employees to recognize that their conduct was inconsistent with Department policies and standards, and to accept discipline for the policy violation rather than undergoing a full OPA investigation.

After reviewing the complaint and completing its intake investigation, OPA determined this case could be appropriate for resolution by RA. However, before proceeding with its recommendation, OPA sought the Office of Inspector General's (OIG) input. The OIG concurred with the OPA's determination. Consistent with the procedure in the CBA, OPA forwarded to the Chief of Police its recommended disposition and proposed discipline in the form of an oral reprimand. The Chief of Police concurred with OPA's recommended findings and proposed discipline. NE#1 also agreed to the discipline and, in doing so, stipulated that the finding and discipline were final and could not be appealed or otherwise later disputed.



CONCLUSION:

Named Employee #1 - Allegations #1

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

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 action and associated statements made by NE#1 towards the Complainant were unprofessional and, as such, violated SPD policy. By agreeing to proceed with RA, NE#1 recognized that his actions were contrary to the Department’s professionalism policy. OPA appreciates and commends NE#1 for taking accountability for this incident and for agreeing to RA. OPA accordingly recommends this allegation be Sustained – Rapid Adjudication. This finding is both final and binding.

Recommended Finding: **Rapid Adjudication - Sustained**