



CLOSED CASE SUMMARY

ISSUED DATE: AUGUST 30, 2020

FROM: DIRECTOR ANDREW MYERBERG
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2020OPA-0348

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

Written 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, during a demonstration, an unknown officer stated: "I have a hard on for this shit and, if they cross the line, I will hit them." The Complainant provided a cell phone video of the officer and it was identified that the officer was Named Employee #1 (NE#1). Prior to this complaint being filed, NE#1 self-disclosed to his supervisor and explained that he was quoting a movie (Top Gun) and then discussing tactics. NE#1 also conveyed that he recognized that his statements could have been perceived as unprofessional by demonstrators.

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 a written 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.



CONCLUSIONS:

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 statement made by NE#1, which was overheard by the Complainant and detailed above, was unprofessional and in violation of SPD policy. By agreeing to proceed with RA, NE#1 recognized that his actions violated the Department’s professionalism policy. OPA appreciates and commends NE#1 for taking accountability for this incident and for agreeing to RA. OPA recommends this allegation be Sustained – Rapid Adjudication. This finding is both final and binding.

Recommended Finding: **Rapid Adjudication - Sustained**