



CLOSED CASE SUMMARY

ISSUED DATE: APRIL 14, 2019

CASE NUMBER: 2018OPA-0022

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy	Not Sustained (Inconclusive)

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:

It was alleged that the Named Employee may have engaged in an attempted illegal “straw purchase” of a firearm at the SPD range store.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy

OPA received a referral concerning a possible “straw purchase” of a firearm at the Department range store by Named Employee #1 (NE#1), who is a civilian SPD employee. It was alleged that NE#1 attempted to purchase the firearm for a friend who came with him to the range. A range employee did not sell the firearm to NE#1 because NE#1’s range membership was expired at the time. That range employee reported to his supervisor that he believed that NE#1 may have engaged in the attempted “straw purchase.” This matter was reported to supervisors of the range and the Training Unit. The Training Unit Lieutenant referred this matter to OPA. OPA, in turn, referred this incident for criminal investigation. The criminal investigation concluded that no crime occurred, returned the case to OPA, and this investigation ensued.

OPA interviewed three range employees. Range Employee #1 (RE#1) stated that he observed NE#1 walk into the range with another male and said that the two individuals began to discuss purchasing a firearm. RE#1 told OPA that he heard NE#1 state to the other male: “is this okay” and “is this what you’re looking for.” RE#1 indicated that he immediately believed that NE#1 was attempting to engage in a “straw purchase.” RE#1 reported that Range Employee #2 (RE#2) primarily interacted with NE#1. RE#1 recalled that RE#2 told NE#1 that NE#1’s range membership had expired and informed NE#1 that he would not be sold a firearm. RE#1 reported that NE#1 responded to RE#2 belligerently.

RE#2 told OPA that NE#1 asked him about a Glock 23. RE#2 told NE#1 that the range did not sell that type of firearm but recommended a similar gun. NE#1 stated that he had a Glock 23 in his car and went to retrieve it. At or around



that time, RE#2 observed that NE#1's range membership was expired when he looked at the membership identification card that was affixed to the outside of NE#1's clothing. NE#1 re-entered the store and RE#2 showed NE#1 and his friend a similar model Glock firearm. Both NE#1 and his friend handled the gun. RE#2 reported that it appeared to him that the friend was approving the purchase of the firearm because the friend was nodding his head in the affirmative. NE#1 then attempted to purchase the firearm; however, RE#2 told him that he could not do so because his membership at the range was expired. NE#1 grew upset and began arguing about his membership. RE#2 reported that NE#1 demanded to be able to renew his membership. RE#2 informed NE#1 that, due to the fact that his membership had been expired for six or more months, NE#1 would have to go through the application process again. NE#1 then demanded his membership card back but RE#2 refused to return the expired card to NE#1, stating that it was range property. NE#1 then left the range store.

Range Employee #3 (RE#3) was also present in the range store. RE#3, like RE#1 and RE#2, observed NE#1 discussing the firearm with his friend and saw them passing the gun between them. RE#3 stated that it appeared to him that NE#1 was attempting to purchase the gun, but that he did not know whether NE#1 was intending to do so on behalf of himself or, instead, on behalf of NE#1's friend. RE#3 told OPA, in his experience, it was normal for people looking at firearms together to pass the guns between each other in order to share opinions. RE#3 further told OPA that he heard NE#1 and the other individual conversing in a language other than English. RE#3 recalled hearing the conversation between NE#1 and RE#2 concerning NE#1's request to renew his membership, as well as RE#2's refusal to renew the card at that time. RE#3 confirmed that NE#1 did not complete any of the paperwork necessary to purchase the firearm.

OPA also interviewed the Sergeant who supervises the SPD range. The Sergeant told OPA that RE#1 reported the purported "straw purchase" several days after it occurred. The Sergeant spoke with RE#1, RE#2, and RE#3 concerning this incident. He stated that he learned that RE#2 took NE#1's membership card and that RE#2 and NE#1 then got into a heated discussion. The Sergeant told OPA that, based on what he learned, he did not believe that NE#1 was attempting to engage in a "straw purchase."

OPA further interviewed both NE#1 and the individual who accompanied him to the range. NE#1 explained that he is employed as SPD's liaison to the East African community. He told OPA that the individual who came to the range with him was a South Seattle business owner who was seeking NE#1's advice on purchasing a firearm for his personal safety. NE#1 indicated that he took the individual to SPD Headquarters to fill out the paperwork for a concealed carry permit, which included fingerprinting. The individual also asked where he could purchase a firearm and NE#1 recommended the range store. NE#1 said that he brought the individual to the range store to show him different types of firearms, including Glocks. NE#1 also stated that he went to his car and retrieved his personal weapon in order to use it for the purpose of comparison. NE#1 told OPA that he had no intention of purchasing a firearm on the date in question and acknowledged that the individual's paperwork had not been completed as of that date. NE#1 stated that he did not, himself, complete any paperwork.

Lastly, OPA interviewed the individual who came with NE#1 to the range. That individual confirmed that he went to the range. He stated that he did so to explore purchasing a firearm. He told OPA that his brother had been shot and killed and he was seeking a firearm for personal protection. The individual told OPA that he wanted to purchase a firearm and intended to fill out the necessary paperwork to do so. He denied that NE#1 attempted to purchase a firearm on his behalf and stated that NE#1 simply brought him to the range to assist him.



SPD Policy 5.001-POL-2 requires that employees adhere to laws, City policy, and Department policy. If, as alleged, NE#1 engaged in an attempted “straw purchase,” that conduct would constitute a violation of law and would, thus, be contrary to this policy. However, for the reasons indicated below, the question of whether he did so is ultimately inconclusive.

There is a significant dispute of fact between NE#1 (as well as the individual he went to the range with) and RE#1 and RE#2. RE#1 and RE#2 believed that, based on their observations and what they heard, that NE#1 was attempting to engage in a “straw purchase.” However, NE#1 adamantly denied that he was doing so and the other individual concurred. Moreover, RE#3, as well as the Sergeant who supervises the range, both stated that they had no reason to believe that, under the circumstances of this incident, NE#1 was attempting to engage in a “straw purchase.” In addition, while all three range employees (RE#1, RE#2, and RE#3) stated that NE#1 was trying to purchase a firearm, NE#1 denied that this was the case. If this were true, which I cannot conclusively determine based on the available evidence, it would certainly be support for the belief that NE#1 was seeking to engage in a potential “straw purchase.” Lastly, there were no video or audio recordings within the range store that could have proven which side’s account was accurate. As such, I cannot make an ultimate finding as to what occurred. For these reasons, I recommend that this allegation be Not Sustained – Inconclusive.

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