



April 21, 2020

Chief Carmen Best
Seattle Police Department
PO Box 34986
Seattle, WA 98124-4986

Dear Chief Best:

Please see the below Management Action Recommendation.

Case Number

- 2017OPA-0089 / 2020COMP-0008

Topic

- Court Dispositions

Summary

- It was alleged that the Named Employee used his influence as an SPD employee in a court proceeding to advocate for the release of a defendant who was arrested and charged by SPD.

Analysis

- The employee appeared at a bail/arraignment hearing in King County Superior Court. The employee addressed the court and vouched for the defendant on behalf of his community, testifying to the defendant's character and hard work. The defense attorney later informed the court of the employee's professional title with SPD, telling the judge that his opinion should be taken into consideration.
- [SPD Policy 5.001-POL-22](#) (5.001-POL-21 at the time) states that "Employees shall not recommend case dispositions to courts." The policy further instructs that "No employee below Assistant Chief shall make any recommendations to any court or other judicial agency regarding the disposition of any pending court case investigated by the Department." The policy is unclear as to what it permits or prohibits when it uses the term "disposition."
- Black's Law Dictionary defines "disposition" as "A final settlement or determination." As a result, OPA found insufficient evidence that the employee intended to recommend a disposition in the case.

Recommendation(s)

- Clarify whether SPD Policy 5.001-POL-22 applies only to those case dispositions that resolve the dispute between the parties and conclusively determine the legal questions before the court (i.e., final judgments) or whether the policy applies also to court orders that fall short of conclusive dispositions of the case (such as orders setting bail). OPA advises that the policy adopt the broader scope as OPA believes that SPD employees should not recommend to a judge what an appropriate outcome is at any stage of a trial.

Thank you for your consideration of this matter. I look forward to your response.

Sincerely,

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Andrew Myerberg
Director, Office of Police Accountability