



CLOSED CASE SUMMARY

ISSUED DATE: MAY 19, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0377

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 - Training Referral |
| # 2 | 5.001 - Standards and Duties 5.001-POL 11. Employees Will Be Truthful and Complete in All Communication | 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:

It was alleged that Named Employee #1 (NE#1) sent an unprofessional and dishonest email to external grant partners.

SUMMARY OF INVESTIGATION:

On November 7, 2022, the Complainant—an SPD employee—forwarded an email from NE#1 to non-SPD grant partners. The email read:

Hello Team,

I’m sorry for the delay in communication. Our new Chief has decided to kick me out of the [] Bureau, which means I have to figure out what this means for the grant moving forward.

I’m trying to sort it out but it’s getting messy.

I’ll keep you posted and prayers please!

[NE#1]

The Complainant alleged the email was “unprofessional, undermines the integrity of the chief, misrepresents the character of the employee movement process, and undermines the trust of grant partners in SPD’s ability to perform its commitments under the grant.”

OPA opened an investigation. During its investigation, OPA reviewed the complaint and the email correspondence. OPA also interviewed NE#1 and Witness Employee #1 (WE#1)—NE#1’s former supervisor.



WE#1 said NE#1 was removed from his bureau around November or December 2022. WE#1 said he was not told why NE#1 was transferred, nor did WE#1 know who decided to transfer NE#1. When asked about NE#1's email, WE#1 stated there were "certain wordings" he would "probably not use" and that the "tone" could imply "some negative connotation to either the movement or something." But WE#1 also said the email was "informational, letting the grant team know that she's being removed from the [] Bureau and, in essence, would no longer be working on the grant."

NE#1 told OPA she was assigned to her former bureau for about five years.

NE#1 said she was in the middle of two or three grants when she was transferred. NE#1 said one of the grants was a project the chief of police asked her to work on. NE#1 said she and community members did considerable work on the project when her assistant chief told her she would be reassigned. NE#1 said WE#1 and her assistant chief encouraged her to seek a meeting with the chief, but the chief's executive assistant told NE#1 the chief did not want to discuss the transfer.

NE#1 was "pissed off" and frustrated. NE#1 said she used the term "kicked out" because she thought it was accurate. NE#1 also stated she was concerned about the grant. NE#1 had "made promises to [] the community" that could be lost. NE#1 said she emailed the grant partners about what happened. NE#1 believed the email was appropriate given the situation but noted, "According to everyone else, maybe not."

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

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

It was alleged that NE#1 sent an unprofessional email to external stakeholders.

SPD employees must "strive to be professional." SPD Policy 5.001-POL-10. The policy further instructs that "employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers," whether on or off duty. SPD Policy 5.001-POL-10. Additionally, the policy states that Department employees, while on duty or in uniform, will not publicly ridicule: "the Department or its policies, other Department employees, other law enforcement agencies, the criminal justice system or police profession. This applies where such expression is defamatory, obscene, undermines the effectiveness of the Department, interferes with the maintenance of discipline, or is made with reckless disregard for truth." *Id.*

Here, as WE#1 characterization it, NE#1's email was primarily informational, but the wording and tone implied a negative connotation to the transfer. NE#1's language and tone did not meet Department standards. Moreover, by questioning the Department's ability to meet its commitments to grant partners, NE#1's email may have undermined the effectiveness of the Department.

OPA recognizes that NE#1 was personally committed to completing the grant projects. OPA also recognizes that NE#1 believed her transfer jeopardized the grants. But the chief of police has the final authority to set Department priorities and may transfer officers within the limits of the law and collective bargaining. *See* SPD Policy 1.010-POL-3 ("The Chief of Police manages the department[.]"); 1.020-POL-1 ("The Chief of Police is the overall commander of the Department"). *See also* Seattle Police Management Association Collective Bargaining Agreement, Article 10.2(A) (the



City reserves the right to manage and operate the Department at its discretion, including the transfer of employees) and Article 15 (providing for a grievance procedure). While NE#1 may have questioned the manner or wisdom of her transfer, the determination was not hers to make. Therefore, NE#1 should have informed the grant partners that she was reassigned and referred them to her replacement.

In consideration of the nuanced nature of the language in the email, NE#1's relationship with her grant projects and partners, and the overall factual background of this situation, OPA finds that NE#1 possibly committed a minor policy violation, but not one that rose to the level of serious misconduct.

Accordingly, OPA recommends this allegation be Not Sustained – Training Referral.

- **Training Referral:** NE#1's chain of command should discuss OPA's findings with NE#1, review SPD Policy 5.001-POL-10 with NE#1, and provide any further retraining and appropriate counseling. The retraining and counseling conducted should be documented, and this documentation should be maintained in Blue Team.

Recommended Finding: **Not Sustained - Training Referral**

Named Employee #1 - Allegation #2

5.001 - Standards and Duties 5.001-POL 11. Employees Will Be Truthful and Complete in All Communication

It was alleged that NE#1 misrepresented the character of the employee movement process.

SPD Policy 5.001-POL-11 requires Department employees to be truthful and complete in all communications.

NE#1's statement that the Chief "kicked [her] out of" her assignment was, perhaps, a value-laden and one-sided presentation of her transfer. But NE#1 described that she did not want to be reassigned and repeatedly sought to extend her assignment for six months to finish her grant projects. In short, from NE#1's perspective, it was accurate to state she was "kicked out." OPA does not find that this statement rose to the level of intentional misrepresentation required to sustain a dishonesty allegation under SPD Policy 5.001-POL-11. Also, to the extent this phrasing misrepresented the character of the employee movement process, as alleged, it was more of a character contemplated by the prohibition on statements made with "reckless disregard for the truth" that ridiculed the Department. See SPD Police 5.001-POL-10.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained - Unfounded**