



CLOSED CASE SUMMARY

ISSUED DATE: OCTOBER 7, 2019

CASE NUMBER: 2019OPA-0243

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 7. Employees Engaged in Department-Related Activities Identify Themselves When Requested	Not Sustained (Lawful and Proper)

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 the Named Employee failed to fully identify herself as required by policy.

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the Office of Inspector General’s review and approval, believed that it could reach and issue recommended findings based solely on its intake investigation and without interviewing the Named Employee. As such, the Named Employee was not interviewed as part of this case.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.001 Standards and Duties 7. Employees Engaged in Department-Related Activities Identify Themselves When Requested

On April 16, 2019 at approximately 3:14 p.m., officers including Named Employee #1 (NE#1) were dispatched to a 911 call regarding telephone harassment. The 911 caller stated that an individual, the Complainant in this case, was making a large number of calls to the front desk of Integrity Law Group, a law firm in downtown Seattle.

NE#1 and another officer arrived at the law firm and spoke to staff regarding the 911 call. According to law firm staff, the Complainant, a resident of Ellensburg, initially called seeking legal assistance with black mold in his residence. A lawyer at the firm declined to assist the Complainant because of the logistical difficulties posed by representing a client living that far away. They reported that the Complainant became upset and began calling the firm’s front desk, alleging that the attorney he spoke to did not have a license to practice law and demanding the attorney’s Washington State Bar Association number. Law firm staff were unable to block the calls. In the minutes that NE#1, the other officer, and law firm staff were speaking, three more calls came to the firm’s front desk from numbers associated with Complainant.



The Complainant called a fourth time and NE#1 offered to answer. NE#1 spoke to the Complainant, provided her last name, and identified herself as an officer with the Seattle Police Department (SPD). NE#1 informed the Complainant that he did not need to keep calling the law firm's phone number because it was not the appropriate venue to report the unauthorized practice of law. NE#1 further told the Complainant that the law firm had contacted SPD and that SPD would document that the Complainant was engaging in harassment. NE#1 informed the Complainant that the attorney he had spoken to was not required to provide the Complainant with his name and WSBA number. NE#1 additionally told the Complainant the following: "I am required to give you my name and badge number if I am dealing with you, however lawyers are not."

NE#1's Body Worn Video (BWV), which recorded her portion of the phone conversation with the Complainant, did not capture what the Complainant may have said at the end of the call. After NE#1 directed the Complainant to stop harassing the firm, the Complainant appeared to ask NE#1 for her name. In response, NE#1 provided her last name. In addition, and in response to another apparent request from the Complainant, NE#1 repeated her name and provided the Complainant with its correct spelling. NE#1 then ended the call by telling the Complainant: "stop calling here, and you have a good day."

The Complainant later alleged to OPA that NE#1 failed to provide her serial number to him upon request. This OPA investigation ensued.

SPD Policy 5.001-POL-7 requires that SPD employees engaged in department related activities "provide their name and Department serial number verbally, or in writing if requested." (SPD Policy 5.001-POL-7.)

As part of its investigation, OPA contacted the Complainant for any additional information concerning his complaint. No additional information was provided. As such, OPA based its findings on the BWV.

Ultimately, the totality of the evidence indicates that NE#1 provided her last name to the Complainant in response to his requests. While the Complainant asserted that NE#1 intentionally did not provide her serial number, there is no support for this contention in the record. Indeed, it would have been illogical for NE#1 to provide her correct last name several times, including spelling it, and then withhold her serial number. This is especially the case as an officer can easily be identified by last name and, even had there been multiple officers with the same last name, NE#1 would have been associated with this incident. Moreover, from a review of the video, NE#1 was forthcoming with the Complainant and did not make any statements that suggested that she was withholding information. For these reasons, I conclude that the evidence supports a finding that NE#1 complied with this policy. As such, I recommend that this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained (Lawful and Proper)**