



CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 8, 2020

CASE NUMBER: 2019OPA-0844

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 – Standard and Duties 6. Employees May Use Discretion	Not Sustained (Unfounded)
# 2	5.001 – Standard and Duties 10. Employees Shall Strive to Be Professional	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:

The Complainant contended that the Named Employee violated SPD policies by organizing a speaking arrangement for an individual who has ties to “radicalization” and who is currently “being watched by the FBI.”

ADMINISTRATIVE NOTE:

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

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

5.001 – Standard and Duties 6. Employees May Use Discretion

The Complainant alleged that Named Employee #1 (NE#1), a civilian employee of SPD assigned to the Collaborative Policing Bureau, was improperly associating with an individual – Jawar Mohammed. The Complainant indicated in his written complaint that Mr. Mohammed was an extremist and was being watched by the FBI. The Complainant wrote that it was unethical and unprofessional for NE#1, as an SPD employee, to be involved with Mr. Mohammed.

After receiving the complaint and given the nature of the allegations, OPA referred this case to SPD's Criminal Intelligence Section for review. The Criminal Intelligence Section ultimately informed OPA that Mr. Mohammed was a political activist in Ethiopia and had a strong following in certain religious and cultural pockets of that country. OPA was also informed that others in Ethiopia viewed Mr. Mohammed as an extremist. OPA learned that Mr. Mohammed was involved in an incident where the Ethiopian police tried to remove him from his home. This incident coupled with statements made by the president of Ethiopia that were deemed unprofessional by some caused protests that resulted in the deaths of between 67-86 people. OPA was informed that the FBI had interviewed Mr. Mohammed and cleared him of any concerns. Lastly, OPA was told that Mr. Mohammed had no online videos showing him advocating for violence or any current evidence that he was an extremist or terrorist.



The Criminal Intelligence Section returned this matter to OPA and OPA began its administrative investigation. OPA conducted its own research into Mr. Mohammed. While the Wikipedia page for Mr. Mohammed referred to him as “the most controversial man in Ethiopia,” OPA could find no evidence linking him to extremism or terrorism.

OPA attempted to interview the Complainant; however, he did not respond to OPA. OPA spoke to another individual who had concerns about NE#1’s actions relating to Mr. Mohammed. He made the same allegations as those that were set forth in the Complainant’s written complaint.

OPA also interviewed NE#1’s direct supervisor. The supervisor explained that NE#1 worked as an SPD liaison for the East African Community. The supervisor said that he is kept aware of the events that NE#1 works on and approves NE#1’s community engagement activities. The supervisor told OPA that NE#1 disclosed the event involving Mr. Mohammed to him. Prior to that time, the supervisor did not know who Mr. Mohammed was and NE#1 had not previously mentioned Mr. Mohammed to him. The supervisor said that NE#1 forwarded him an email about the event and also informed him that protestors were planning to attend. NE#1 also notified the South Precinct Operations Lieutenant of the possibility of a protest (the event occurred in South Seattle). The supervisor asserted that, by notifying him of the event and by notifying the South Precinct of potential issues that could arise, NE#1 fulfilled the expectations placed on him by the Department.

As indicated in SPD Policy 5.001-POL-6, “[e]mployees are authorized and expected to use discretion in a reasonable manner consistent with the mission of the department and duties of their office and assignment.” This policy further states that “[t]he scope of discretion is proportional to the severity of the crime or public safety issue being addressed.” (SPD Policy 5.001-POL-6.)

As a threshold matter, OPA and, for that matter, SPD’s Criminal Intelligence Section, located no evidence supporting a finding that Mr. Mohammed was an extremist or that he supported terrorism. While Mr. Mohammed may be a controversial figure in Ethiopia, he was permitted to speak at a public forum in the United States. Moreover, as made clear by NE#1’s supervisor, NE#1 acted consistent with his job responsibilities when he was involved in the community meeting at which Mr. Mohammed was speaking. In addition, and again as indicated by the supervisor, NE#1 acted consistent with the expectations placed on him by the Department when he notified the supervisor of the meeting and also informed the South Precinct of possible protests.

Given the above, OPA finds no basis to conclude that NE#1 abused his discretion in this case. As such, OPA recommends that this allegation be Not Sustained – Unfounded.

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

Named Employee #1 - Allegations #2

5.001 – Standard 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.)



As discussed above, OPA finds no evidence supporting a finding that NE#1 undermined public trust and confidence in himself and/or the Department. As such, OPA concludes that he did not act contrary to the Department's professionalism policy and recommends that this allegation be Not Sustained – Unfounded.

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