



CLOSED CASE SUMMARY

ISSUED DATE: JUNE 9, 2022

FROM: INTERIM DIRECTOR GRÁINNE PERKINS
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2021OPA-0350

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.060 - Employee Political Activity II. Prohibited Campaign Activity A. The exercise of those rights ... 3. Using their City position to endorse or oppose a candidate or ballot issue	Not Sustained - Inconclusive (Expedited)
# 2	5.001 - Standards and Duties 5.001-POL 10. Employees Will Strive to be Professional	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:

The Complainant alleged that Named Employee #1 (NE#1) tore down a political poster.

ADMINISTRATIVE NOTE:

Allegation #1 (SPD Policy 5.060) was processed 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.

SUMMARY OF INVESTIGATION:

On July 25, 2021, OPA received an anonymous complaint that NE#1 tore down a political poster which was in a public space and crumpled it up to throw it away. The Complainant, who wished to remain anonymous, was subsequently interviewed by OPA.

The Complainant stated that they observed an officer walking on the west sidewalk of 12 Ave at the SW corner of 12 Ave/ Pine St. NE#1 approached the utility pole located on that corner. The Complainant described the utility pole as covered in numerous posters, ads, and flyers. NE#1 removed one poster and crumpled it up. The Complainant observed NE#1 walking to a patrol car and got inside with the crumpled paper. The Complainant believed that the poster removed was for a political candidate who they knew was not supportive of the police, and that NE#1's actions were targeted because of this. OPA obtained CCTV footage which comports with the Complainant's version of events.

OPA identified NE#1 and reviewed available CCTV footage. NE#1 self-identified himself in the footage. He was dressed in an SPD uniform. When interviewed by OPA, NE#1 had no recollection of the incident. NE#1 explained that "any



posters that I've removed at any time...is because they're disparaging police, because they undermine public trust in SPD or because I believe that there are risks to public safety, or that it discourages people calling 911".

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.060 - Employee Political Activity II. Prohibited Campaign Activity A. The exercise of those rights ... 3. Using their City position to endorse or oppose a candidate or ballot issue

SPD Policy 5.606 II (3) states that Seattle Police Department Employees have the same political freedoms as all other citizens. But because of their City jobs, State and City laws may restrict some political activity. Subtitle II (3) specifies Prohibited Campaign Activity were Using their City position to endorse or oppose a candidate or ballot issue. For example, a City employee may give an endorsement speech to a local service club, as long as the employee clearly states that this is the employee's personal position and not a City position. The exception to this rule, however, is that an elected official may be listed, with their office title, on campaign literature or in the voter's pamphlet as an endorser or a member of an advisory committee. Likewise, the City Council may take official actions (motions, resolutions, or ordinances) that endorse or oppose candidates or ballot issues.

The Complainant alleged that NE#1 pulled down a poster from a political candidate who the Complainant believed was not entirely pro police, although they were not entirely sure of the candidate's political position. OPA was not able to identify what specific poster was removed. In interview, NE#1 stated that he had previously removed posters that were disparaging police, of if they undermined public trust in SPD or because he believed that they were a risk public safety, or that it discouraged people calling 911. NE#1 had no recollection of removing this poster but identified himself in the footage obtained.

Although the Complainant attributes the poster to a political candidate, OPA is unable to determine what messaging and or writing was on the specific poster, if any. CCTV is unable to clarify this further. Accordingly, OPA recommends that this allegation be Not Sustained – Inconclusive.

Recommended Finding: **Not Sustained - Inconclusive**

Named Employee #1 - Allegation #2

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

SPD Policy 5.001-POL-10 requires that SPD employees "strive to be professional." 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.) The policy further states the following: "Any time employees represent the Department or identify themselves as police officers or Department employees, they will not use profanity directed as an insult or any language that is derogatory, contemptuous, or disrespectful toward any person." (*Id.*) Lastly, the policy instructs Department employees to "avoid unnecessary escalation of events even if those events do not end in reportable uses of force." (*Id.*)

The Complainant identified the poster as belonging to a political candidate. The Complainant stated they knew the poster to be for a candidate for the position of Seattle City Attorney, and that the poster was clearly for her political campaign. NE#1 stated that he did not remember this incident but that, "I will say that any posters that I've removed



at any time have been because they're disparaging police, because they undermine public trust in SPD or because I believe that there are risks to public safety, or that it discourage people calling 911."

There is no evidence that this was in fact a political poster. There is also no evidence that the poster was disparaging to police, undermining trust in SPD or discouraging people from calling 911. Finally, there is no evidence that the poster was a threat to public safety. As such there is no direct evidence that NE#1 violated any SPD policies.

Accordingly, OPA recommends that this allegation be Not Sustained – Inconclusive.

Recommended Finding: **Not Sustained - Inconclusive**