



## CLOSED CASE SUMMARY

ISSUED DATE: DECEMBER 5, 2019

CASE NUMBER: 2019OPA-0251

### 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	Sustained

**Imposed Discipline**

<b>Suspension without Pay – 8 days</b>
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*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 was unprofessional towards her during an interaction.

### ANALYSIS AND CONCLUSIONS:

#### **Named Employee #1 - Allegations #1**

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

Named Employee #1 (NE#1) was dispatched to a call of a potential parking violation. When she arrived at the scene, she contacted the caller, who is the Complainant in this case. The Complainant stated that there appeared to be vehicles illegally parked in a construction site across the street. The Complainant was not affiliated with the construction site. NE#1 explained to the Complainant that the zone was not enforced when the construction site was not active (the site was inactive at the time of the call). The Complainant told NE#1 that, at her work, the Complainant would often call for enforcement when vehicles were parked in the loading zone. NE#1 told the Complainant that this was appropriate. The Complainant reported that she thanked the Complainant and then walked away. Both NE#1 and the Complainant characterized this initial interaction as appropriate.

The Complainant told OPA that she stood outside of her building to smoke a cigarette. She stated that she observed NE#1’s vehicle still parked at the scene nearly 10 minutes after their interaction. She then received a text on her phone from a friend who was coming to meet her. The Complainant stated that, at this point, NE#1 got out of her vehicle and approached the Complainant. The Complainant recounted that NE#1 said to her: “You don’t have to try to hide. I can give you my information.” When the Complainant asked NE#1 what she was referring to, NE#1 stated: “you’re clearly trying to write down my plate number and taking photos of my car.” The Complainant walked away after telling NE#1 that she was looking in NE#1’s direction to see if her friend was coming and that it was not any of NE#1’s business. The Complainant described NE#1 as aggressive, rude, and very unprofessional.

NE#1 stated that she observed the Complainant looking at her vehicle with her cell phone in her hand. NE#1 told OPA that she exited her vehicle and walked over to where the Complainant was standing. She confirmed that she



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told the Complainant that it appeared that the Complainant was taking pictures of her vehicle. NE#1 stated that she approached the Complainant to resolve any outstanding issues that the Complainant might have, as well as to provide the Complainant with her name, serial number, and contact information for her supervisor. NE#1 recalled that the Complainant told her that she was not taking pictures and that she was waiting for a friend. NE#1 stated that the Complainant was “pretty upset” and then “stormed off into the building.”

NE#1 told OPA that, when she approached the Complainant, the Complainant did not seem happy. NE#1 described the Complainant as defensive concerning NE#1’s assertion that the Complainant was taking pictures. NE#1 said that she was “matter of fact” and “direct” with the Complainant. When asked whether the Complainant could have perceived NE#1 as being “aggressive,” NE#1 responded: “I would say, yeah.” When asked if she would have done anything differently during this incident, NE#1 said that she would not have made contact with the Complainant in the first place and would have cleared the call without taking enforcement action. NE#1 asserted her belief that she was professional during this incident.

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.) 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 alleged that NE#1 was unprofessional and aggressive towards her. NE#1 denied being unprofessional but acknowledged that parts of her interaction with the Complainant could have been perceived as aggressive. Both NE#1 and the Complainant confirmed that NE#1 approached the Complainant because NE#1 believed the Complainant was taking pictures of her vehicle. However, it is unclear why such contact was necessary as the Complainant had the right (per City ordinance) to take photographs of NE#1’s vehicle and of NE#1 herself.

As discussed in previous DCMs (*see* 2018OPA-1274 and 2017OPA-0946), NE#1 has received more than 15 complaints against her for unprofessional behavior. This is significantly more than any other Parking Enforcement Officer currently employed by the Seattle Police Department. One of these complaints has been Sustained and numerous others have resulted in retraining on professionalism and on how to interact with civilians. Moreover, complaints have continued to be made against NE#1 even though she was moved to a night shift purposed, at least in part, to reduce her contact with civilians. On multiple occasions, OPA has recommended that NE#1 be placed on a performance plan to ensure that this conduct is abated; however, this either not been done by the chain of command or has been unsuccessful. At this point, OPA and, for that matter, the Department are quickly running out of options.

This case is consistent with the ongoing pattern of unprofessionalism on NE#1’s part. Moreover, it is emblematic of the often inappropriate and aggressive manner in which she approaches civilians. Given this, and for the reasons set forth herein, I find that NE#1’s conduct and demeanor during this incident violated Department policy. As such, I recommend that this allegation be Sustained.

Recommended Finding: **Sustained**