



CLOSED CASE SUMMARY

ISSUED DATE: AUGUST 8, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0339

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 – Conformance to Law, POL-2. Employees Must Adhere to Laws, City Policy, and Department Policy	Not Sustained - Unfounded
# 2	5.001 – Standards and Duties, POL-10. Employees Will Strive to be Professional	Sustained

Proposed Discipline

Written Reprimand to One Day Suspension

Imposed Discipline

Written Reprimand

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.

ADMINISTRATIVE NOTE ON PROPOSED FINDINGS:

When the OPA Director recommends a sustained finding for one or more allegations, a discipline committee, including the named employee's chain of command and the department's human resources representative, convenes and may propose a range of disciplinary to the Chief of Police. While OPA is part of the discipline committee, the Chief of Police decides the imposed discipline, if any. See OPA Internal Operations and Training Manual section 7.3 – Sustained Findings.

EXECUTIVE SUMMARY:

It was alleged that Named Employee #1 (NE#1) slept in her illegally parked patrol car while on duty.

SUMMARY OF INVESTIGATION:

On October 13, 2022, the Complainant—an anonymous source—made an OPA complaint alleging NE#1 parked her cruiser in a no-parking zone and slept while several nearby people openly used drugs. Although the Complainant elected to remain anonymous, the complaint included an email address and phone number. On October 20, 2022, OPA contacted the Complainant for additional details. The next day, the Complainant provided a video and photographs he took to corroborate the allegations. The Complainant also agreed to a telephone interview. OPA interviewed the Complainant on October 25, 2022.

In summary, the Complainant said on October 12, 2022, around 11:00 PM, he saw a police cruiser parked in a bus lane near 3rd Avenue and Union Street. The Complainant said the parked patrol cruiser blocked the bus lane, requiring buses to go around it to pick up/drop off passengers. The Complainant said he approached the cruiser and saw an officer asleep in the driver's seat. The Complainant said he recorded the officer with his phone, capturing her nametag.



He said several people “[smoked] fentanyl” near the cruiser as the officer slept. The Complainant said he drove off and returned about 15 minutes later to find the cruiser in the same spot.

OPA opened an intake investigation. During the intake, OPA reviewed the complaint, NE#1’s work log, the Complainant’s video and photographs, and the department’s expectations for emphasis patrol shifts. OPA also interviewed the Complainant and NE#1. Please review the evidence summaries below:

Video and Photographs

The Complainant sent OPA a video and three photos. The 29-second video showed a uniformed officer in the driver’s seat, with the officer’s head tilted back against the headrest and mouth open. It also showed the officer’s department shoulder patch, a sergeant patch, and a nametag, which appeared to have NE#1’s first initial and last name. Photo #1 showed the profile of the parked cruiser. Photos #2 and #3 showed the back of the cruiser, including the car number and license plate. The cruiser’s blue emergency lights were also activated.

Work Log

NE#1’s October 12, 2022, work log showed she was assigned to the cruiser number captured in Photos #2 and #3.

NE#1 Interview

On March 30, 2023, OPA interviewed NE#1. In summary, NE#1 stated on October 12, 2022, she worked an overtime (emphasis patrol) shift at 3rd Avenue and Pine Street. She said the purpose of that shift was to deter area crime, so the assigned officer parks along 3rd Avenue, often with blue lights activated to emphasize police presence. NE#1 said there were “no official parking spots” on 3rd Avenue, so officers typically parked at bus stops. She said she parked at 3rd Avenue and Union Street due to recent “high dollar” vandalism at a nearby restaurant. NE#1 confirmed the images the Complainant captured were of her sleeping. She said she fell asleep toward the end of her shift.

3rd Avenue Emphasis Shift

OPA obtained a copy of the directives sent to 3rd Avenue Emphasis patrol officers outlining expectations:

The 3rd Ave Emphasis will be expanding its territory going forward. Emphasis Units are responsible for the area of 3rd Ave between [REDACTED] and [REDACTED].

Units will respond to 911 calls along 3rd Ave, conduct Business checks, Community Contacts, and provide HIGH VISIBILITY Patrol (Patrolling the area with blue cruise lights activated, foot Beats etc..). The goal is to maintain a visible on-going (sic) presence on 3rd Ave and addressing (sic) crime.

*****Lieutenants & Sergeants assigned to these emphasis shifts, please provide adequate supervision, and make sure that the Officers are fulfilling the basic duties listed above.*



ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.001 – Conformance to Law, POL-2. Employees Must Adhere to Laws, City Policy, and Department Policy

NE#1 allegedly illegally parked her cruiser.

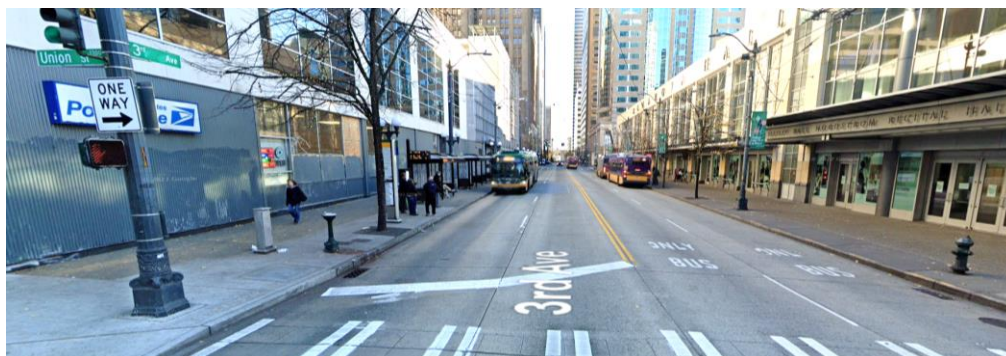
Employees must adhere to laws, City policy, and Department policy. SPD Policy 5.001-POL-2. Chapter 46.61 of the Revised Code of Washington (RCW) covers the rules of the road. RCW 46.61.035 outlines when “an authorized emergency vehicle” may operate outside standard traffic regulations. It states drivers of authorized emergency vehicles may “Park or stand, irrespective of the provisions of [RCW Chapter 46.61.]”

Here, NE#1 admitted to parking in a bus lane while assigned to patrol a portion of 3rd Avenue. Photo #1 shows she drove a marked patrol cruiser (see RCW 46.37.190 for authorized emergency vehicle requirements):

Photo #1



Further, NE#1 said, and OPA confirmed, she was assigned to patrol a portion of 3rd Avenue. NE#1 told OPA she parked in a bus lane because there was no designated parking where she patrolled (3rd Avenue and Union Street) due to recent vandalism:



While parking somewhere other than in front of a bus stop, which impeded boarding and departing bus passengers, would have been a more courteous option, it does not appear NE#1 violated the law or department policy.



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

Recommended Finding: **Not Sustained - Unfounded**

Named Employee #1 - Allegation #2

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

It was alleged NE#1 slept while on duty.

Employees must “strive to be professional.” SPD Policy 5.001-POL-10. Further, “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers....” *Id.*

Here, NE#1 admittedly slept while on duty. Specifically, she slept while deployed to monitor and deter criminal activity along a section of 3rd Avenue. According to an emailed department directive, 3rd Avenue Emphasis patrol officers must be available to respond to 9-1-1 calls, conduct business checks, and make community contacts along 3rd Avenue. Further, they were instructed to patrol with blue cruise lights activated and walk the beat to maintain “**HIGH VISIBILITY**” (Emphasis in original.) Although NE#1’s blue cruise lights were activated, she could not respond to calls, check businesses, contact community members, patrol, or walk the beat, because she was asleep. More disturbing, NE#1 was a sergeant instructed to “provide adequate supervision, and make sure that the officers are fulfilling the basic duties....” Again, NE#1 was unavailable to perform that duty because she was asleep.

Furthermore, the community distrust NE#1’s actions potentially caused cannot be overstated. The Complainant, who found NE#1 asleep in a parked cruiser at a bus stop with blue lights activated around 11:00 PM on 3rd Avenue, may not have been the only community member with that observation, even if he was the only one who reported it. The Complainant also reported open drug use near NE#1’s cruiser as she slept. Any reasonable community member who saw what the Complainant saw would at least question the officer and the department’s professionalism and trustworthiness.

Accordingly, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**