



CLOSED CASE SUMMARY

ISSUED DATE: AUGUST 18, 2024

FROM: DEPUTY DIRECTOR BONNIE GLENN ON BEHALF OF DIRECTOR GINO BETTS JR.
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0103

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties, 5.001-POL 10. Employees Will Strive to be Professional	Not Sustained - Unfounded
# 2	5.100 - Operations Bureau Individual Responsibilities, I. Patrol Officers A. Responsibilities, 2. Monitor and take appropriate action regarding criminal activity in assigned area	Not Sustained - Training Referral

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:

An anonymous Complainant alleged Named Employee #1 (NE#1) was sleeping on duty.

ADMINISTRATIVE NOTE:

On July 1, 2024, the Office of Inspector General (OIG) certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

An anonymous Complainant sent OPA a web-based complaint alleging an SPD officer was "deeply sleeping" in the Olympic Sculpture Park Parking Garage (OSPPG) on February 24, 2024, around 4:15pm. The Complainant did not send OPA any contact information but listed "OSP Security" as a potential witness.

GPS information showed NE#1's vehicle was the only SPD vehicle located near the OSPPG on February 24, 2024, between the hours of 2:29pm and 5:41pm.¹ NE#1 arrived at OSPPG at 2:29pm, left at 2:36pm, and returned to OSPPG at 2:56pm. NE#1 then drove around the area near OSPPG from 3:11pm to 3:13pm. NE#1 then remained in the OSPPG until 5:41pm.

During this time, NE#1 was dispatched to "down person" call at 3:15pm to back up the primary officer (Officer #1). Officer #1's BWV and NE#1's GPS information showed NE#1 did not arrive on that call. Messages on NE#1's Mobile Data Terminal (MDT) showed NE#1 messaged Officer #1 at 3:19pm asking, "You still need me?" Officer #1 responded, "nah," then "I am good." NE#1 replied, "copy." Officer #1 messaged, "thanks." NE#1 responded, "NP." NE#1 remained logged to the "down person" call until 6:28pm. In review of 9-1-1 call records, it showed there were seven 9-1-1 calls in NE#1's precinct (West Precinct) from 4:02pm to 5:07pm.

¹ Another unit conducted a brief traffic stop near the OSPPG at 5:07pm.



On April 29, 2024, OPA interviewed NE#1. NE#1 admitted being at OSPPG on February 24, 2024, but denied being asleep. NE#1 stated he was experiencing headaches that day and parked his vehicle at OSPPG to take breaks during patrol. NE#1 explained OSPPG is a common place for SPD officers to take breaks during patrol and the shade in the garage was helpful for his headaches. When asked why he did not respond to other 9-1-1 calls in the West Precinct during that time, NE#1 explained that the practice for officers in the West Precinct was to answer calls assigned within their respective sectors and exercise diligence about maintaining their assigned sectors. NE#1 stated he was only dispatched to one call in king sector, but Officer #1 told him he was not needed on the call. NE#1 stated he parked “towards the end of the parking garage where the walkers come in and out.” NE#1 said that his eyes may have been closed but he was not asleep. NE#1 recalled seeing a security guard “staring” at him and remembered looking directly at that person. NE#1 recalled addressing a couple that was looking at him as well.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

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

The Complainant alleged that NE#1 was unprofessional by sleeping on duty.

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.

OPA finds by a preponderance of the evidence that NE#1 was not sleeping while on duty. OPA was unable to interview the anonymous Complainant because they did not provide any contact information. Additionally, the Complainant did not submit any additional evidence to corroborate their allegation that NE#1 was “deeply sleeping” while on duty. NE#1 stated he may have had his eyes closed but denied sleeping. This was corroborated by NE#1’s specific recollection of seeing a security guard and couple looking at him, GPS records showing NE#1 was periodically driving around, and NE#1’s MDT messages with Officer #1. Based on the evidence provided, more likely than not, NE#1 was not asleep but was monitoring calls, while sitting in his police vehicle at the OSPPG. OPA finds NE#1’s conduct was not willful or rose to the level of undermining public trust.

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

Recommended Finding: **Not Sustained - Unfounded**

Named Employee #1 - Allegation #2

5.100 - Operations Bureau Individual Responsibilities, 1. Patrol Officers A. Responsibilities, 2. Monitor and take appropriate action regarding criminal activity in assigned area

It was alleged that NE#1 remained logged to a call after learning he was not needed and did not respond to other calls for service.

SPD Policy requires that patrol officers’ performance meet certain standards. This includes that they: “Monitor and take appropriate action regarding criminal activity in assigned area”; “Maintain close contact with the community”; “Display...necessary interpersonal skills...”; “Demonstrate consistent work habits which reflect a high standard of performance and initiative”; and “Remain professional at all times.” SPD Policy 5.100(I)(A).



NE#1 was dispatched to a “down person” call at 3:15pm and, shortly thereafter, learned he was not needed on the call. NE#1 remained logged to that call until 6:28pm and, from 3:13pm to 5:41pm, remained at the OSPPG. NE#1 was not dispatched to any other calls, nor did he log himself to any other calls, during this period.

NE#1 explained he had a headache on the incident date and remained at OSPPG, a common place for West Precinct officers to take breaks, because the shade was beneficial for his headaches. NE#1 stated, during this time, he may have had his eyes closed or looked down at his phone.

On the one hand, any human employee is going to have workdays that are less productive than others. NE#1 explained that he had a headache on the incident date. While remaining on patrol within his sector, and continuing to monitor calls, NE#1 stayed within the OSPPG from 3:13pm to 5:41pm. OPA cannot find that, more likely than not, this violated SPD policy.

On the other hand, OPA cannot dismiss the fact that—for nearly two-and-a-half hours—NE#1 remained “towards the end” of a parking garage while having his eyes closed or looking down at his phone. On the one occasion he was dispatched to a call, NE#1 did not respond in person but messaged the primary officer, “you still need me?” NE#1 then remained logged to that call for over three hours. Even by NE#1’s account, multiple members of the public observed him: a security guard who was “staring” at him and a couple that “were looking at [him] also sitting in the car.” Presumably, at least one of these individuals felt motivated by what they saw to file a complaint.

OPA finds that this conduct potentially falls short of SPD expectations or patrol officers to “maintain close contact with the community” and “demonstrate consistent work habits which reflect a high standard of performance and initiative.” However, OPA does not find NE#1’s conduct to be willful or rise to the level of misconduct based on the totality of the circumstances.

Accordingly, OPA recommends this allegation be Not Sustained – Training Referral.

- **Training Referral:** NE#1’s chain of command should discuss OPA’s findings with NE#1, review SPD Policy 5.100(I)(A) with NE#1 and provide any further retraining and counseling that it deems appropriate. The retraining and counseling conducted should be documented, and this documentation should be maintained in Blue Team.

Recommended Finding: **Not Sustained - Training Referral**