



## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Closed Case Summary

Complaint Number OPA#2016-0892

Issued Date: 03/20/2017

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (9) Standards and Duties: Employees Shall Strive to be Professional at all Times (Policy that was issued April 1, 2015)
OPA Finding	<b>Not Sustained</b> (Inconclusive)
Allegation #2	<u>Seattle Police Department Manual</u> 5.001 (6) Standards and Duties: Employees Engaged in Department-Related Activities Identify Themselves When Requested (Policy that was issued April 1, 2015)
OPA Finding	<b>Not Sustained</b> (Inconclusive)
Allegation #3	<u>Seattle Police Department Manual</u> 5.001 (13) Standards and Duties: Retaliation is prohibited (Policy that was issued April 1, 2015)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Final Discipline	N/A

#### **INCIDENT SYNOPSIS**

The Named Employee contacted the complainant regarding his boat trailer.

## **COMPLAINT**

The complainant alleged that the Named Employee was rude, unprofessional, and failed to identify himself. The complainant also alleged that the Named Employee targeted him by issuing citations to a vehicle in his (the complainant's) driveway a few days after their first interaction.

## **INVESTIGATION**

The OPA investigation included the following actions:

1. Review of the complaint
2. Search for and review of all relevant records and other evidence
3. Interview of SPD employee

## **ANALYSIS AND CONCLUSION**

The interaction between the Named Employee and the complainant was not recorded. The only known witness to some of the interaction was the complainant's spouse. By all accounts, the interaction became tense and voices may have been raised. Taking all the evidence available into account the OPA Director was unable to find a preponderance to either prove or disprove the allegation the Named Employee acted in manner that was inconsistent with SPD Policy 5.001(9).

The Named Employee told OPA he did not recall either the complainant or his spouse asking for his name. Both the complainant and his spouse told OPA the Named Employee failed to give his name when asked, but instead responded to the question with "Officer". There seemed to be some confusion based on OPA's interviews with the complainant and his spouse regarding whether they were asking for the Named Employee's last or first name. They said they could see the Named Employee's last name clearly on his nametag. If the Named Employee did reply to a request for his last name with the answer "Officer", the OPA Director would have considered this a failure to comply with SPD Policy 5.001(6). However, if the Named Employee was aware that the complainant already knew his (the Named Employee's) last name and avoided providing his first name with the reply "Officer", the OPA Director would have considered this to be an inappropriately "snarky" response rather than a failure to identify himself. Taking all the evidence available into account the OPA Director was unable to find a preponderance to either prove or disprove the allegation the Named Employee failed to provide his name to the complainant when asked.

The complainant alleged the Named Employee was harassing and retaliating against him when the Named Employee issued two citations to a car partially parked in the complainant's driveway twelve days after the confrontational interaction between the complainant and the Named Employee. The OPA investigation showed there was a factual basis for the two citations. Furthermore, no evidence was discovered that would support the allegation the

citations were issued out of malice or any animus toward the complainant. Since the two citations, both issued on the same day to the same car, were the only known citations issued by the Named Employee to cars registered to the complainant or his relatives or friends, and the location fell within the area assigned to the Named Employee, the OPA Director found no factual basis for the complainant's assertion these citations were meant to harass or target him. As to the claim the citations were issued in retaliation for something that took place twelve days earlier, it was not clear what precisely the Named Employee would be retaliating against. As of the date of the two citations, the complainant had not yet filed a complaint against the Named Employee. In fact, OPA was unaware of any action taken or alleged to have been taken by the complainant about which the Named Employee would be retaliating. While the Named Employee was under no obligation to issue the two citations in question and certainly could have used his discretion and taken some other action, the Named Employee appeared to have acted in a manner consistent with his authority and the direction given to him by SPD Parking Enforcement.

## **FINDINGS**

### **Named Employee #1**

#### Allegation #1

There was not a preponderance of the evidence either supporting or refuting the allegation. Therefore a finding of **Not Sustained** (Inconclusive) was issued for *Standards and Duties: Employees Shall Strive to be Professional at all Times.*

#### Allegation #2

There was not a preponderance of the evidence either supporting or refuting the allegation. Therefore a finding of **Not Sustained** (Inconclusive) was issued for *Standards and Duties: Employees Engaged in Department-Related Activities Identify Themselves When Requested.*

#### Allegation #3

A preponderance of the evidence showed that the Named Employee appeared to have acted in a manner consistent with his authority and the direction given to him by SPD Parking Enforcement. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Standards and Duties: Retaliation is prohibited.*

*NOTE: The Seattle Police Department Manual policies cited for the allegation(s) made for this OPA Investigation are policies that were in effect during the time of the incident. The issued date of the policy is listed.*