



## CLOSED CASE SUMMARY

ISSUED DATE: JUNE 20, 2018

CASE NUMBER: 2018OPA-0010

### Allegations of Misconduct & Director’s Findings

**Named Employee #1**

Allegation(s):		Director’s Findings
# 1	5.120 - Secondary Employment IV. Secondary Employment Permit (form 1.30)	Sustained
# 2	5.001 - Standards and Duties 9. Employees Shall Strive to be Professional at all Times	Not Sustained (Inconclusive)

**Imposed Discipline**

Oral Reprimand
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**Named Employee #2**

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 9. Employees Shall Strive to be Professional at all Times	Not Sustained (Unfounded)

***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 on-going harassment by Named Employee #1. The Complainant further alleged that Named Employee #1 taunted him while he was in police custody. The Complainant also alleged that Named Employee #2 approved this continuous harassment by approving the Complainant's arrest. Lastly, OPA alleged that Named Employee #1 may have worked secondary employment without a valid and approved secondary employment permit.

**STATEMENT OF FACTS:**

The Complainant has made multiple complaints of misconduct against SPD employees. These complaints relate to his repeated arrests in and around CenturyLink Field. In the most recent investigation into this matter (2017OPA-1325), it was determined that the Complainant had been permanently trespassed from CenturyLink Field, which is private property.

His complaint here concerns his arrest by Named Employee #1 (NE#1) on December 31, 2017, and the approval of this arrest by Named Employee #2 (NE#2). On that date, NE#1 was working secondary employment at CenturyLink Field. He was contacted by a stadium employee who asked for his assistance. The stadium employee told NE#1 that the Complainant was trespassing and asked for NE#1 to take law enforcement action to remove the Complainant from the property. The Complainant was ultimately documented as illegally being on the property via the stadium’s security cameras and he was then placed under arrest by both NE#1 and King County Sheriff’s Deputies who were at the location. The arrest was screened and approved by NE#2.



The Complainant alleged that he was placed into a holding cell at CenturyLink Field. He stated that, while therein, NE#1 was winking his eyes at him, making faces, and saying “we got you, we got you.” He further alleged that NE#1, as well as other officers, had engaged in a continuous pattern of harassment by trespassing him over and over. He also claimed that NE#2 endorsed this behavior when he approved the Complainant’s arrest.

OPA obtained the security video from CenturyLink Field. This video was consistent with the arrest as described by the Named Employees. OPA attempted to obtain video from the CenturyLink Field holding cells on multiple occasions. While stadium employees indicated that they would search for and provide the video to OPA, they never did so.

OPA interviewed the Complainant who provided his account of the incident. OPA also interviewed both NE#1 and NE#2. NE#1 stated that he was working secondary employment at CenturyLink Field. NE#1 recounted that the Complainant was trespassing and was arrested by King County Deputies. NE#1 noted that, given his multiple previous interactions with the Complainant, he wanted to have as little involvement with the arrest as possible. He recalled, however, that he did see the Complainant when he was again admonished by a stadium employee that he was trespassed from the property. NE#1 believed that it occurred either near the CenturyLink Field holding cells or in the security office. NE#1 denied that he was unprofessional towards the Complainant in this instance or that he said “we got you.”

NE#2, who was also working secondary employment, recalled the arrest of the Complainant. NE#2 asserted that there was a lawful basis for the arrest. He further denied that the repeated arrests were a form of harassment against the Complainant or that his approval of this arrest was purposed to harass the Complainant.

#### **ANALYSIS AND CONCLUSIONS:**

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

##### ***5.120 – Secondary Employment IV. Secondary Employment Permit (form 1.30)***

SPD Policy 5.120(IV) requires that SPD employees have a valid secondary work permit in order to engage in secondary employment. Prior to engaging in secondary employment, the permit must have been reviewed, approved, and signed by the employee’s chain of command. (See SPD Policy 5.120(IV).)

It is undisputed that NE#1 was working secondary employment on the date in question – December 31. However, as OPA determined during its investigation, NE#1 did not have a valid secondary work permit on that date. OPA was able to locate work permits for NE#1 from 2015 and 2016. He also had a 2018 work permit that he submitted on February 28, 2018, nearly two months after the incident occurred.

Accordingly, NE#1 worked secondary employment without a valid and approved work permit. When he did so, he violated policy. As such, I recommend that this allegation be Sustained.

Recommended Finding: **Sustained**



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**Named Employee #1 - Allegation #2**

***5.001 - Standards and Duties 9. Employees Shall Strive to Be Professional at All Times***

SPD Policy 5.001-POL-9 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-9.)

The Complainant alleged that NE#1 was unprofessional based on his repeated trespassing arrests of the Complainant, which he claimed constituted harassment. The Complainant also contended that NE#1 was unprofessional when he made faces and winked at the Complainant when he was in the holding cell, as well as when NE#1 said “we got you, we got you.” NE#1 stated that all of the arrests of the Complainant were supported by probable cause and that he was not being harassed. NE#1 also denied winking or making faces at the Complainant or saying the comments attributed to him.

I find that, as NE#1 asserted, the arrest of the Complainant in this case, as well as the continuous trespassing of him from CenturyLink Field, were legally justified. I conclude that this law enforcement action was not harassing in any sense. That being said, as there is no video from the CenturyLink Field holding cells, I cannot conclusively determine that NE#1 did not engage in the behavior and make the statements that the Complainant alleged. While I deem it unlikely, I am limited by the available evidence. For these reasons, I recommend that this allegation be Not Sustained – Inconclusive.

Recommended Finding: **Not Sustained (Inconclusive)**

**Named Employee #2 - Allegations #1**

***5.001 - Standards and Duties 9. Employees Shall Strive to Be Professional at All Times***

The Complainant alleged that NE#2 endorsed the practice of harassment of him by SPD officers when NE#2 approved the Complainant’s arrest. As indicated above, I find that the prior arrests of and law enforcement action taken against the Complainant were legally justified. I also find that NE#2 appropriately approved the Complainant’s arrest in this case. Lastly, I find no evidence that NE#2 engaged in any other behavior that could even arguably be construed as unprofessional.

As such, I recommend that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained (Unfounded)**