



CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 22, 2019

CASE NUMBER: 2018OPA-0841

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy	Not Sustained (Training Referral)
# 2	5.001 - Standards and Duties 10. Employees Shall Strive to be Professional	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:

It was alleged that the Named Employee violated the Department’s professionalism policy and the law when he failed to timely transfer title after purchasing a motorcycle from a community member.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy

The Complainant alleged to a Department supervisor that he sold a motorcycle to Named Employee #1 (NE#1) but that NE#1 failed to timely register the title in NE#1’s name. The Complainant asserted that, as a result, he had received charges for tolls that were incurred by NE#1. The supervisor reported that he asked the Complainant whether he had executed his section of the title regarding the sale of the motorcycle and whether he had sent that documentation to the state. The Complainant told the supervisor that he had not. The supervisor informed the Complainant that he would look into the situation and get back to him. He further provided the Complainant with OPA’s contact information. The supervisor reported that he spoke with NE#1 and told him to take care of the title transfer. Lastly, the supervisor referred this matter to OPA.

OPA’s investigation into this incident included interviewing both the Complainant and NE#1, as well as researching the status of the title. OPA determined that NE#1 purchased the motorcycle on June 27, 2018; however, as of the time that OPA conducted its intake investigation – which was well over 45 days after the sale – NE#1 still had not transferred the title. Moreover, OPA discovered that he had not done so until September 5, 2018, approximately one week after being directed to take care of the matter by his supervisor.

During his OPA interview, the Complainant detailed the complications caused by NE#1’s failure to transfer title. However, he stated that “everything worked out okay” and that NE#1 ultimately paid for the toll charges. He further



asked that his complaint be withdrawn and the case closed. The Complainant lastly stated that NE#1's supervisor was "very nice and helpful" and "took care of everything."

NE#1 told OPA that he did not transfer the title within the 45 days required by law because he misplaced the title and could not locate it for a period of time. He stated that he did not intentionally fail to timely transfer title and that it was a mistake.

SPD Policy 5.001-POL-2 requires that employees adhere to laws, City policy, and Department policy. As discussed above, Washington State law requires that failure to transfer title within 15 days of a sale can result in a monetary penalty and that failure to transfer title within 45 days constitutes a misdemeanor offense. See RCW 46.12.650.

Here, it is undisputed that NE#1 failed to transfer title within 45 days. As such, he technically violated the law, even if he had no ill intent. That being said, I recommend that NE#1 receive a Training Referral rather than a Sustained finding for several reasons. First, NE#1 eventually rectified the issue, transferred title, and paid for the tolls incurred by the Complainant. Second, NE#1 acknowledged his mistake at his OPA interview and clearly felt badly for what had occurred. Third, The Complainant stated that the matter was resolved from his perspective and requested that the case be closed. In making the decision to issue a Training Referral, I note that community members are regularly cited for violations of this law and rarely receive such a break. Officers are not and cannot be held to a different standard than the community that they serve. NE#1 should consider this moving forward.

- **Training Referral:** NE#1 should be counseled by his chain of command regarding his failure to transfer title and the fact that, by doing so, he violated the law. This is the case regardless of his stated lack of intent. NE#1 should be reminded that, as a law enforcement officer, he is held to a high expectation of conduct and that his actions here fell below that standard. This counseling and any associated training should be documented and this documentation should be maintained in an appropriate database.

Recommended Finding: **Not Sustained (Training Referral)**

Named Employee #1 - Allegation #2

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

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.)

When NE#1 failed to transfer title and, by doing so, violated the law and caused the Complainant to be errantly charged for tolls, he acted contrary to the expectations of both the Department and the community and, thus, violated this policy. However, for the same reasons as stated in the context of Allegation #1, I recommend that this allegation be Not Sustained and refer to the above Training Referral. (See Named Employee #1, Allegation #1.)

Recommended Finding: **Not Sustained (Training Referral)**