



CLOSED CASE SUMMARY

ISSUED DATE: OCTOBER 12, 2020

FROM: DIRECTOR ANDREW MYERBERG
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2020OPA-0280

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	Sustained
# 2	5.001 - Standards and Duties 10. Employees Shall Strive to be Professional	Allegation Removed

Imposed Discipline

Terminated Prior to Proposed DAR – Discipline

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 that the Named Employee violated the law and acted unethically by failing to register his vehicle, while citing others for unregistered vehicles as part of his duties as a Parking Enforcement Officer.

SUMMARY OF INVESTIGATION:

On April 25, 2020, at approximately 0252 hours, an SPD officer observed a vehicle with Louisiana license plates parked outside of the Park 90/5 facility. He ran the vehicle's plate but did not get a return. The vehicle drove off. The officer conducted some business at Park 90/5. After he left the facility, he again encountered the vehicle parked nearby. The vehicle again began to drive off and the officer conducted a stop.

The driver, Named Employee #1 (NE#1), provided his license and City of Seattle ID card. He clarified that he worked at Park 90/5 as a Parking Enforcement Officer (PEO). NE#1 provided a vehicle registration from Louisiana that had expired in September 2018. NE#1 admitted his failure to register his vehicle in Washington and said that he was saving money to do so. He told the officer he had been a Washington resident for approximately a year and a half and that moving here from Louisiana placed him in significant financial hardship. The officer issued NE#1 a warning and ended the contact.

Thereafter, the anonymous Complainant contacted OPA. The Complainant, who is employed as a PEO at SPD, asked to remain anonymous. The Complainant stated that, due to NE#1's duties as a PEO, it was unethical for him to drive an unregistered vehicle while citing members of the public for the same conduct.

This OPA investigation ensued. OPA's examination of SPD records determined that NE#1 had been a PEO for approximately six months prior to this incident. In that time, he issued 91 citations for failure to register. OPA also



found that as of May 8, 2020, NE#1 registered his vehicle in Washington. He separated from SPD on July 7, 2020 and declined to participate in this investigation.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

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

SPD Policy 5.001-POL-2 requires that employees adhere to laws, City policy, and Department policy. Failure to register a vehicle is ordinarily a civil infraction. However, where, as here, a person fails to register a vehicle within the time required after moving to Washington from another state, it is a gross misdemeanor. *See* SMC 11.22.070. OPA finds that NE#1 failed to register his vehicle in Washington despite having resided within the state for a year and a half, thus committing a gross misdemeanor. NE#1 was well aware that this was the case as he cited numerous vehicles for that same violation. While OPA is sympathetic to the Complainant's claimed financial difficulties, this does not excuse his failure to comply with the law. Moreover, NE#1 failed to participate in an interview in this matter and, thus, did not provide any evidence that could have served to alter or mitigate this finding.

Accordingly, OPA recommends that this allegation be Sustained.

Recommended Finding: **Sustained**

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." 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 that this allegation is fully subsumed within the above allegation (see Named Employee #1 – Allegation #1). For this reason, OPA recommends that this allegation be removed.

Recommended Finding: **Allegation Removed**