



CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 27, 2021

FROM: DIRECTOR ANDREW MYERBERG
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2020OPA-0570

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 – Standards and Duties 10. Employees Shall Strive to be Professional	Not Sustained (Inconclusive)

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 that the Named Employee was unprofessional while issuing citations.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

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

The Complainant filed an OPA complaint in which she alleged that Named Employee #1 (NE#1), a Parking Enforcement Officer (PEO), engaged in unprofessional conduct while issuing citations in the vicinity of Seward Park. The Complainant said that, at the time, streets were closed because of COVID. However, there was still a lot of traffic in Seward Park. The Complainant admittedly parked her car illegally. While she was walking back to her car, she observed the Complainant issuing citations. She recalled that the Complainant acted unprofessionally when doing so. She said that NE#1 spoke rudely to people and “barked” orders at them. She recounted that cars were backed up on South Orcas street and NE#1 ordered them to reverse, causing even more problems. The Complainant also saw NE#1 require a woman to move her car from the driveway of a private residence even though the woman was just temporarily waiting there to pick up her children. The Complainant said that she approached NE#1 to speak with her, but NE#1 treated her rudely and turned her back. She said that she asked for NE#1’s identification and NE#1 eventually provided this; however, NE#1 made her wait for a period of time before doing so. The Complainant was ultimately issued as \$47 citation that she paid. The Complainant generally felt that it was inappropriate for the City to be issuing citations in that location during COVID.

As part of its investigation, OPA interviewed NE#1 regarding the Complainant’s allegations. NE#1 said that she was issuing citations in that location due to a number of complaints received from the Parks Department and residents of the neighborhood. She recounted seeing a woman leave her children and a number of their belongings standing in a private driveway while she got her car. NE#1 advised the woman not to do so because that resident often complained. She said that she did so politely. She told OPA that she began writing citations in the area, including to



the Complainant's car. She noted that the Complainant's car and others in the near vicinity were parked in a manner that caused traffic to be partially blocked. At that time, she was approached by the Complainant. She recalled that the Complainant said something along the lines of: "do you not realize it's COVID, what are we supposed to do, the street is closed, the parks are closed?" She told the Complainant that she still could not park in that area as it had a posted no parking sign. The Complainant pointed out that the street was closed but NE#1 said that they were still receiving complaints from residents and needed the streets to be open for egress by emergency vehicles.

While they were speaking, the woman who had left her children and their things in the driveway came back to pick them up. She stopped her vehicle in the middle of the street. The Complainant asked for NE#1's identification and NE#1 said that she would give her that information, but she was going to issue a citation to the other vehicle first. The Complainant criticized her for issuing this second citation but NE#1 told her that she did not view the earlier interaction between NE#1 and that motorist. After finishing the citation, NE#1 walked back to her vehicle to get a business card with her information on it to give to the Complainant. The Complainant followed her, and NE#1 told her what she was doing. The Complainant remained upset. Ultimately, NE #1 gave the Complainant the business card and left the scene. NE#1 denied engaging in any unprofessional conduct.

Lastly, OPA obtained and reviewed the citation issued by NE#1. The text of the citation read: "Next to sign. Straddled. Parked in west bound lane. Lake Washington Blvd S has been closed for months. But we still have to have access for emergency vehicles and residents of Lake Washington Blvd S." There were two pictures attached, both of which showed the Complainant's car illegally parked. One of the pictures also showed the other car being packed while parked in the middle of the street.

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.) The policy further states the following: "Any time employees represent the Department or identify themselves as police officers or Department employees, they will not use profanity directed as an insult or any language that is derogatory, contemptuous, or disrespectful toward any person." (Id.)

It is undisputed that the Complainant's car and the other woman's car were both parked illegally and that those vehicles were cited by NE#1. It is further undisputed that the Complainant had an interaction with NE#1 and that NE#1 ultimately provided her with a business card with NE#1's information on it. However, the remainder of the facts in this case are contested. This includes whether NE#1 spoke to the Complainant and other motorists rudely and aggressively, whether NE#1 acted unreasonably during their interaction, and whether NE#1 unduly delayed providing the Complainant with the business card. As PEO's are not equipped with In-Car Video or Body Worn Video, this incident was not recorded. In addition, the Complainant did not record this incident and OPA did not locate any other third-party video that could have shed light on what happened. Moreover, there were no identified witnesses to this incident other than NE#1 and the Complainant and, thus, no ability to gain another perspective on NE#1's demeanor and statements towards the Complainant.

Given this, OPA cannot definitively determine what occurred here and, thus, whether NE#1 was unprofessional. This should not be interpreted as disbelieving or dismissing the Complainant's claim, it is simply a function of the evidentiary standard that OPA is required to apply in its investigations and when issuing findings. For these reasons, OPA recommends that this allegation be Not Sustained – Inconclusive.

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