



CLOSED CASE SUMMARY

ISSUED DATE: APRIL 13, 2021

FROM: DIRECTOR ANDREW MYERBERG
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2020OPA-0656

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 (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 that the Named Employee was rude and disrespectful to him when he was told he could not park his vehicle in a designated no parking zone.

SUMMARY OF INVESTIGATION:

Named Employee #1 (NE#1) has been a Parking Enforcement Officer for 15 years. On the date of the alleged incident, she was dispatched to conduct parking enforcement activities at a boat launch in south Seattle. Private vehicles often park in zones designated for boat loading and unloading, thus obstructing the boat launch.

Upon entering the parking lot, NE#1 announced that vehicles had to move out of the loading zones. She waited ten minutes for people to move their vehicles. At that time two vehicles were left, and she began to write citations for both. She also spoke with several individuals, telling them that they could not park in certain areas. At one point while speaking with these individuals, the Complainant walked out of a nearby bathroom and said that NE#1 had harassed him and called him racial slurs. NE#1 responded that the described interaction had never taken place. Because PEOs are not issued with Body Worn Video or In-Car Video, there was no Department video of the incident. OPA further did not locate any third-party video of what occurred.

NE#1 requested a patrol officer to come to the incident location because of the bias accusation made by the Complainant. The Complainant then got back into his vehicle and left the area. Dispatch was unable to find an officer to send to NE#1's location because there had been a shooting nearby. Later that day, one of NE#1's supervisors was told that the Complainant had called 911. The Complainant reported that NE#1 made a biased comment and contended that she be fired. This complaint led to this investigation.

When OPA interviewed NE#1, she explained that she had three or four previous interactions with the Complainant. During those encounters, the Complainant made similar accusations about NE#1 and alleged that she had used racial slurs against him. However, the Complainant left the scene during those encounters before a supervisor



arrived to conduct a bias review. After the incident that gave rise to the allegations here, NE's manager suggested that she switch to another geographic area. NE#1 has not seen or had contact with the Complainant since.

OPA interviewed the Complainant, who alleged that NE#1 had used racial slurs. The Complainant refused to answer any specific questions during the interview and continually talked over the interviewer, remarking: "fuck the police." OPA notes that another investigator had a similar experience with the Complainant during an interview for an unrelated allegation. OPA also found that the Complainant was also listed in several police reports where he was alleged to have made baseless accusations.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

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.) 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.*) Lastly, the policy instructs Department employees to "avoid unnecessary escalation of events even if those events do not end in reportable uses of force." (*Id.*)

OPA did not uncover any evidence supporting the assertion that NE#1 acted in an unprofessional manner towards the Complainant. Specifically, there was no basis to conclude that NE#1 used any racial slurs towards the Complainant.

While there was no video of this incident to review, when applying a preponderance of the evidence standard, OPA reaches the finding that the incident as alleged did not occur. This is based on a comparison of the statements provided by the involved parties, a lack of corroborating evidence adduced by the Complainant, and OPA's review of other cases in which the Complainant made similar allegations, none of which were substantiated.

Accordingly, OPA recommends that this allegation be Not Sustained – Unfounded.

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