



## ***CLOSED CASE SUMMARY***

ISSUED DATE: MAY 18, 2022

FROM: INTERIM DIRECTOR GRÁINNE PERKINS  
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2021OPA-0436

### **Allegations of Misconduct & Director's Findings**

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties 5.001-POL 10. Employees Will Strive to be Professional	Not Sustained - Unfounded (Expedited)
# 2	16.230 - Issuing Tickets and Traffic Warnings 16.230-POL 1. Employees May Use Discretion When Issuing Tickets	Not Sustained - Training Referral (Expedited)

***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 Named Employee #1 (NE#1) was unprofessional and inappropriately cited her for a traffic violation.

### **ADMINISTRATIVE NOTE:**

This case was designated as an Expedited Investigation. This means that OPA, with the Office of Inspector General's review and approval, believed that it could reach and issue recommended findings based solely on its intake investigation and without interviewing the involved employees. As such, OPA did not interview the involved employees in this case.

### **SUMMARY OF INVESTIGATION:**

The Complainant submitted a web complaint to OPA. The Complainant alleged that NE#1 pulled her over because she did not have a front license plate. The Complainant stated that she "attempted to inform the officer my vehicle is licensed in Florida and Florida does not issue front plates." However, the Complainant alleges that NE#1 took her license and registration and issued her a ticket for lacking a front license plate and a warning for failing to register her vehicle in Washington. The Complainant further stated that she is an active-duty military service member who was not required to register her vehicle in Washington. The Complainant further alleged that NE#1 told her she "was wrong and to take it up with the judge and continued to argue with me regarding the validity of my license and registration and my concerns." The Complainant alleged that NE#1 did not know the regulations, was inappropriate, and was rude when asked questions. OPA initiated this investigation.

During its investigation, OPA reviewed the OPA Complaint, Computer Aided Dispatch (CAD) Call Report, Body Worn Video (BWV), and Seattle Municipal Court Record. OPA also interviewed the Complainant.



The entirety of NE#1's interaction with the Complainant was recorded by NE#1's BWV. Accordingly, the relevant facts underlying this complaint are not in dispute.

NE#1, a motorcycle officer, was conducting routine traffic enforcement. While processing a prior stop, NE#1 observed the Complainant driving her vehicle without a front license plate. NE#1 verbally and physically signaled for the Complainant to stop, which she did. NE#1 then contacted the Complainant through her driver's side window, identified himself, indicated the reason for the stop, and requested the Complainant's license and registration. The Complainant provided her license and registration. NE#1 then completed issuing a ticket for his prior stop.

NE#1 returned to his computer and completed a ticket for the Complainant. NE#1 approached the Complainant's vehicle and contacted her through her driver's window. NE#1 explained that he was issuing a ticket for the violation and a warning for failing to register the vehicle in Washington. The Complainant then stated, "we're military... we're legal residents of Florida." NE#1 stated, "fair enough, still have to have a front license plate," and explained the ways of contesting or resolving the ticket. NE#1 and the Complainant then had a conversation concerning the Complainant's residency and the registration of her vehicle. In summary, the Complainant stated that she had just moved to Washington about two months earlier and was not required to register her vehicle in Washington; NE#1 noted that the Complainant's license had been issued about four years earlier and listed a Washington state address. The Complainant and NE#1 then stated a disagreement over whether the Complainant was required to register her vehicle in Washington. The Complainant also stated that Florida does not issue front plates. NE#1 stated that this would be an issue to raise with the judge, but that the RCW does not make an exception for out-of-state plates. NE#1 then encouraged the Complainant to "pick one of the options" for responding to the ticket and that she could explain all of these issues to a judge. NE#1 also noted that he hoped the judge would dismiss the ticket, but that the Complainant would still need to register her vehicle in Washington within the required timeframe. NE#1 then ended his contact with the Complainant. The Complainant did not present any proof of her active-duty service status during the interaction.

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

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

##### ***5.001 - Standards and Duties 5.001-POL 10. Employees Will Strive to be Professional***

The Complainant alleged that NE#1 was unprofessional.

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.)

The Complainant alleged that NE#1 argued with her and made her feel "really uncomfortable." The Complainant alleged that NE#1's response to her explanations were "that's not my problem" and "take it up with the judge." The Complainant elaborated that she thought NE#1 became defensive and that it was NE#1's mannerisms and escalation



into “offensive” and “in my face” concerning the situation. The Complainant stated that NE#1 was not willing to hear her explanation which made her feel “uncomfortable as a person.”

NE#1’s BWV did not record NE#1 engaging in any unprofessional behavior. At no point did NE#1 use any profanity or speak to the Complainant in a manner that was “derogatory, contemptuous, or disrespectful.” Instead, the Complainant’s allegation appears premised on her perception that NE#1 was not willing to hear her explanation, which made her feel “uncomfortable as a person.” While NE#1’s consideration of explanations offered by individuals he stops for traffic violations may be relevant to the appropriate exercise of discretion (see Allegation #2 below), NE#1’s polite-but-firm disagreement with the Complainant did not rise to the level of unprofessionalism.

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

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

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

##### ***16.230 - Issuing Tickets and Traffic Warnings 16.230-POL 1. Employees May Use Discretion When Issuing Tickets***

The Complainant alleged that NE#1 inappropriately cited her for a traffic violation.

SPD Policy 16.230-POL-1 directs that SPD Officers may use discretion when issuing tickets. SPD “appropriately warns, cites, or arrests, traffic violators to gain compliance with traffic laws and to develop driver awareness of the causes of traffic accidents.” Policy allows officers discretion to issue a traffic warning rather than ignore a minor violation.

The Complainant alleged that NE#1 inappropriately cited her for driving without a front license plate because her vehicle was registered in Florida, which she stated does not issue front license plates. NE#1 stated his understanding that the RCW requires license plates be affixed to the front of a vehicle and that there is no exception for out of state vehicles.

As an initial matter, OPA disagrees with NE#1’s opinion of the relevant SMC and RCW. According to Court records, NE#1 cited the Complainant under SMC 11.22.080.B4. That section provides that it is unlawful to “operate a vehicle unless a valid license *plate or plates* are attached as required under this section.” SMC 11.22.080.B4 (emphasis added). The display requirements in that section provide that license plates must be displayed at the front and rear of a vehicle “but if only one (1) license plate is legally issued for any vehicle such plate shall be conspicuously attached to the rear of such vehicle.” SMC 11.22.080.A. In short, if Florida only issues one license plate for vehicles registered in that state, then it would be legal to drive a Florida-registered vehicle in Washington with only one plate affixed to the rear of that vehicle. The opposite result—as suggested by NE#1—would have the practical effect of making it unlawful in Washington to drive any out-of-state vehicle properly registered in a state that lawfully issues only one license plate for vehicles.<sup>1</sup>

However, NE#1’s mistake of law here appeared to be in good faith. Additionally, there appeared to have been some confusion due to the Complainant having a Florida-issued driver’s license that listed a Washington address. For these

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<sup>1</sup> It appears that Florida—along with 18 other states—does not require a front license plate.  
See <https://www.cars.com/articles/how-many-states-require-front-license-plates-1420663046920/>



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reasons it appears that NE#1's actions may have constituted a possible, but not willful, violation of policy not rising to the level of misconduct.

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

- **Training Referral:** NE#1's chain of command should discuss OPA's findings with NE#1, review SPD Policy 16.230-POL-1 and SMC 11.22.080 with NE#1, and provide any further retraining and counseling that it deems appropriate. The retraining and counseling conducted should be documented, and this documentation should be maintained in Blue Team.

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