



CLOSED CASE SUMMARY

ISSUED DATE: JULY 13, 2022

FROM: INTERIM DIRECTOR GRÁINNE PERKINS
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0048

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 - Training Referral
# 2	5.120 - Off-Duty Employment 5.120-POL-1 Off-Duty Employment Eligibility, Requirements, and Authorized Activities 4. Employees Must Request Approval [...]	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:

The Complainant alleged that Named Employee #1 (NE#1) made unprofessional "inappropriate" comments to her after she parked her vehicle. OPA also alleged that NE#1 was working off-duty employment without approval.

SUMMARY OF INVESTIGATION:

The Complainant contacted OPA to report her allegation that NE#1 made unprofessional "inappropriate" comments to her after she parked her vehicle. OPA commenced this investigation.

During the course of its investigation, OPA reviewed the OPA Complaint, Seattle Municipal Code Sections, Email Correspondence, NE#1's Secondary Work Permits, and Photographs Provided by NE#1. OPA also interviewed the Complainant and NE#1.

The Complainant and NE#1 described essentially the same fact pattern but provided divergent perceptions of the tone and propriety of the encounter. There were no videos or third-party witnesses to the incident. OPA finds that, more likely than not, the following occurred.

The Complainant parallel parked her vehicle in front of her residence. The Complainant parked "against" the direction of lawful traffic movement in violation of Seattle Municipal Code 11.70.040 ("Parallel parking – Right-hand side.") The area where the Complainant parked was clearly marked as a "30 Minute Load and Unload Only Tow Away Zone." The space where the Complainant parked was a tight space and it took the Complainant some time to park her vehicle.

NE#1 was nearby working uniformed, off-duty, secondary employment directing traffic. While the Complainant was parking, NE#1 observed the Complainant hit the vehicle in front of her such that she moved the other vehicle's



bumper. The contact between the two vehicle's was incidental and did not cause any damage. The Complainant did not notice that this contact occurred between the vehicles.

NE#1 approached the Complainant and made comments to the effect of, "You really wanted that spot, didn't you?" and "Was that spot worth it?" NE#1 then told the Complainant that she hit the car in front of her. NE#1 and the Complainant observed that the other vehicle was not damaged. NE#1 informed the Complainant that she was illegally parked against the flow of traffic. The Complainant believed—incorrectly—that this was not against the law.

NE#1 observed a ticket for an unrelated incident sitting in the Complainant's windshield and remarked something to the effect of, "But I see you don't care obviously." NE#1 informed the Complainant that a PEO could arrive, ticket, and/or tow her vehicle if she stayed in the parking spot longer than thirty minutes. The Complainant and NE#1 engaged in dialogue about the incident and NE#1 made a comment to the effect of "Is it really worth your time to have this conversation with me?" The Complainant asked for NE#1's name and badge number. NE#1 provided this information on a business card.

Overall, the Complainant described NE#1 was "inappropriate" and "snide." The Complainant stated that it was "a very bizarre interaction." Generally, the Complainant characterized NE#1 as more assertive, for example, the Complainant stated that NE#1 told her he would call a parking enforcement officer to have her ticketed and/or towed.

Conversely, NE#1 described his comments as more neutral observations intended to inform the Complainant that "maybe you should not park that way. There's [Parking Enforcement Officers] coming and you could get ticketed, get impounded."

NE#1 admitted that he was in violation of the off-duty employment requirements. NE#1 explained that he typically requested approval annually, but that it "slipped [his] mind" due to it being a busy time.

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.)

Even accepting the Complainant's factual allegations as true, NE#1's comments were—at most—poorly worded commentary that only possibly constituted a violation of policy. NE#1's commentary about the unlawful direction of parking and warning about the 30-minute loading and unloading zone were both accurate and worthy of comment. But the manner of NE#1's comments created an issue. OPA finds that, more likely than not, NE#1's commentary was



intended as jocular commentary that possibly crossed a line into unprofessionalism. This Complainant did not appreciate NE#1's commentary but, likely also irritated at being critiqued concerning unlawfully parking her vehicle.

OPA finds that NE#1's handling of the interaction constituted a possible, but not willful, violation of policy that did not amount to 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 5.001-POL-10 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 BlueTeam.

Recommended Finding: **Not Sustained - Training Referral**

Named Employee #1 - Allegation #2

5.120 - Off-Duty Employment 5.120-POL-1 Off-Duty Employment Eligibility, Requirements, and Authorized Activities 4. Employees Must Request Approval [...]

OPA alleged that NE#1 was working secondary employment without proper approval.

SPD Policy 5.120-POL-1(4) requires officers who seek secondary employment to fill out a secondary employment form and mandates that the form be approved by the employee's chain of command and by the captain of the precinct in which the work is to occur. The employee may only perform the secondary work authorized by the permit. (See Id.)

NE#1 candidly admitted that he violated this policy. NE#1 provided a credible explanation that submitting the appropriate forms slipped his mind. NE#1 stated it was his practice to submit these forms annually. OPA notes that this incident occurred at the beginning of a calendar year, in January 2022.

OPA finds that this technical violation of policy constituted a possible, but not willful, violation of policy that did not rise 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 5.120-POL-1(4) 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 BlueTeam.

Recommended Finding: **Not Sustained - Training Referral**