



CLOSED CASE SUMMARY

ISSUED DATE: DECEMBER 2, 2022

FROM: DIRECTOR GINO BETTS
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0170

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties 5.001-POL 6. Employees May Use Discretion	Not Sustained - Lawful and Proper
# 2	5.001 - Standards and Duties 5.001-POL 10. Employees Will 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 Named Employee #1 (NE#1) abused her discretion and was unprofessional during a traffic stop. Specifically, the Complainant alleged NE#1 stopped him for driving without a license plate and forced him to find alternate transportation home.

SUMMARY OF INVESTIGATION:

The Complainant made online and emailed OPA complaints. The Complainant alleged NE#1 targeted him for driving with "no license plate." The Complainant also alleged NE#1 ignored "people openly using drugs near a homeless encampment" and instead chose to ticket him. Finally, the Complainant alleged NE#1 told him to "walk home because I don't have a back license plate."

OPA opened an investigation. During its investigation, OPA reviewed the online and emailed complaints, a Computer-Aided Dispatch (CAD) call report, Notice of Infraction issued to the Complainant, Body Worn Video (BWV), and In-Car Video (ICV). OPA also interviewed the Complainant, NE#1, and Witness Officer #1 (WO#1).

a. Notice of Infraction

NE#1 issued a Notice of Infraction to the Complainant, citing the following violations: (1)SMC 11.22.080.B4 License Plate not Attached (no front, rear, temp); (2) SMC 11.20.340 Financial Responsibility Required; and (3) SMC 11.22.070.A3 Vehicle License Plates Expired Over 2 Months. NE#1 wrote, on June 5, 2022, she worked as a uniformed patrol officer in a marked vehicle. NE#1 wrote she observed the Complainant's car without license plates or a temporary tag. NE#1 stated she activated her emergency lights and conducted a traffic stop. NE#1 documented the Complainant had a valid driver's license but no proof of insurance. NE#1 also documented she conducted a records



check, which showed the Complainant's license plate expired January 1, 2021—seventeen months prior to the traffic stop.

b. Body Worn Video & In-Car Video

NE#1 and WO#1's BWV and ICV recorded the relevant portions of the Complainant's traffic stop.

BWV depicted NE#1 exit her patrol vehicle and approach the Complainant's vehicle. When NE#1 asked the Complainant why he did not have a license plate on his car, the Complainant replied his license plates were at home because "they fell off." The Complainant stated he owned the vehicle for approximately five years and did not have proof of insurance.

NE#1 returned to her patrol vehicle and ran a records search for the Complainant and his vehicle. NE#1 exited the patrol vehicle and spoke with her partner, WO#1. NE#1 and WO#1 discussed where the Complainant could legally park his vehicle. When WO#1 asked NE#1 what she wanted to do, NE#1 responded, "I'm gonna have him park it. He can't take this. He can't drive this with no plates, and he doesn't have insurance."

NE#1 then spoke with the Complainant, who stated he lived up the street. NE#1 told the Complainant, "Just to let you know, you cannot be driving a vehicle without any plates; both front and back there's nothing, there's no temp tag. Uhm you're going to have to park it in front of this Nissan." The Complainant asked to drive home, stating he lived about three blocks away. NE#1 responded, "Nah, we can't have you driving it on the streets . . . it's not legal. You also don't have insurance to show me." NE#1 continued, "We're gonna ask that you park it in front of the Nissan. And then if you need some assistance maybe call an Uber, you have anyone you live with at home?" The Complainant stated he needed to pick up his daughter. NE#1 reiterated the Complainant could not drive his car. The Complainant replied, "Alright, I'll pull it up there and wait it out."

After NE#1 gave the Complainant information about his ticket, NE#1 returned to her patrol vehicle. While discussing the incident in the patrol vehicle with NE#1, WO#1 read the Complainant's driving abstract and noted he was previously ticketed for driving without license plates.

NE#1 and WO#1's ICV captured the Complainant's vehicle without a rear license plate or temporary tags.

c. OPA Interview – Complainant

On June 9, 2022, OPA interviewed the Complainant.

The Complainant stated he was pulled over near a "homeless encampment" in West Seattle. The Complainant stated he was in the area to retrieve his daughter's stolen bicycle. The Complainant stated he recovered his daughter's bicycle near an encampment, where he saw three people in a vehicle suspectedly smoking narcotics. The Complainant stated



he observed NE#1's vehicle. The Complainant said NE#1 and WO#1 did not respond to the three people smoking in a vehicle.

The Complainant stated NE#1 followed him as he drove away from the encampment. The Complainant stated the encampment was about two miles from his home, but NE#1 stopped him about four blocks from his home. The Complainant admitted to being previously ticketed for driving without license plates and his vehicle did not have license plates when NE#1 stopped him.

The Complainant stated NE#1 ordered him to "abandon" his vehicle and walk home. The Complainant stated he told NE#1 he had to pick up his daughter, but NE#1 told him it was illegal for him to drive the vehicle. The Complainant stated NE#1 suggested he get an Uber. The Complainant questioned whether other motorists would be treated that way and said NE#1 made her enforcement decision "because she felt like it... It just felt like screw you buddy, walk."

d. OPA interview – Witness Officer #1 and Named Employee #1

OPA interviewed WO#1 and NE#1. Their statements concerning the incident were consistent with the BWV.

WO#1 stated NE#1 decided to issue the ticket and order the Complainant to park his vehicle.

NE#1 explained she told the Complainant to park the vehicle and not drive it because "it was unlawful to drive the vehicle without license plates... We explained again because he had not insurance and because he didn't have the license plates on the vehicle that he would need to park the vehicle." NE#1 stated she previously told another community member they could not illegally drive a vehicle. NE#1 stated it was common practice for officers to tell people not to drive vehicles illegally.

NE#1 disagreed with the Complainant's characterization that she told him to "abandon" his vehicle. Instead, NE#1 described she had him park it in a legal spot so it would not be ticketed or towed. NE#1 said, "I simply told him that he could not drive [his vehicle] in its current state." NE#1 said she suggested the Complainant call an Uber or contact someone to bring his license plates or pick him up.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.001 - Standards and Duties 5.001-POL 6. Employees May Use Discretion

The Complainant alleged NE#1 abused her discretion.

As indicated in SPD Policy 5.001-POL-6, "[e]mployees are authorized and expected to use discretion in a reasonable manner consistent with the mission of the department and duties of their office and assignment." This policy further states that "[d]iscretion is proportional to the severity of the crime or public safety issue being addressed." SPD Policy 5.001-POL-6.



Contrary to the Complainant's belief NE#1 abused her discretion, NE#1 enforced the law and exercised discretion in a lawful and proper manner. NE#1 observed the Complainant driving a vehicle in violation of Seattle Municipal Code 11.22.080 ("No person shall operate any vehicle on any street or alley unless a valid license plate or plates are attached thereon.") Accordingly, NE#1 conducted a traffic stop pursuant to SPD's March 8, 2022 directive and interim policy on Traffic Stops, which permitted traffic stops for drivers without a rear license plate.

After contacting the Complainant, NE#1 developed further information supporting her decision not to allow the Complainant to drive away. Specifically, she learned the Complainant's license plate tabs expired over seventeen months earlier and the Complainant could not present proof of insurance. Moreover, after initially telling the Complainant he could not drive his vehicle, NE#1 further learned the Complainant was previously ticketed for the same violation.

Finally, it was not unreasonable for NE#1 to advise the Complainant to contact an Uber or someone to assist him. Those were reasonable options under the circumstances. Moreover, NE#1 was not far from his home.

In short, the Complainant believes it was unreasonable for NE#1—a law enforcement officer—to stop him from continuing to drive his vehicle illegally. The Complainant is incorrect.

Accordingly, OPA recommends this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained - Lawful and Proper**

Named Employee #1 - Allegation #2

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

The Complainant alleged 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.*

OPA did not observe NE#1 engage in behavior or use language that violated the Department's professionalism policy. Moreover, even taking the Complainant's allegations as true, NE#1 did not do anything that would undermine public trust in her, other officers, or the Department.

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

Recommended Finding: **Not Sustained - Unfounded**