



CLOSED CASE SUMMARY

ISSUED DATE: MARCH 20, 2018

CASE NUMBER: 2017OPA-1056

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 9. Employees Shall Strive to be Professional at all Times	Not Sustained (Inconclusive)
# 2	5.001 - Standards and Duties 12. Employees Shall Not Use Their Position or Authority for Personal Gain	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 used his position for personal gain by allegedly accepting money not to ticket certain individuals. The Complainant also asserted that NE#1 was unprofessional based on his purportedly rude conduct and the fact that he allegedly disparately issued tickets to yellow cab drivers.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.001 - Standards and Duties 9. Employees Shall Strive to be Professional at all Times

The Complainant alleged to OPA his belief that Named Employee #1 (NE#1) was regularly targeting yellow cab drivers for tickets, while not ticketing town car drivers that engaged in similar conduct. The Complainant stated that he and other cab drivers have to park illegally when picking up fares due to the lack of taxi parking. He alleged that NE#1 abused his power by targeting yellow cabs and sometimes citing them without even providing a warning. The Complainant told OPA that NE#1 would not listen to cab drivers when they would try to explain why they were parked illegally and would act rudely and aggressively. He stated that NE#1 was friendly to town car drivers and would provide them with warnings prior to issuing them tickets.

The Complainant reported that NE#1 ticketed him on October 23, 2017, when he was parked waiting for an elderly passenger. The Complainant told OPA that when NE#1 walked up to his vehicle, he tried to explain why he was parked there. The Complainant stated that NE#1 was rude to him. Specifically, the Complainant explained that NE#1 stated that he did not have to listen to the Complainant and walked away from him.

NE#1 reported that, on the date in question, there were multiple cabs, including the one belonging to the Complainant, that were parked illegally. He stated that he approached the first cab and informed the driver that he was going to receive a ticket. He then approached the Complainant, who was parked behind the first cab, that he was also going to receive a ticket. NE#1 reported that the Complainant said “ok” and they had no further interaction concerning this matter. NE#1 stated that, after the fact, he received notice of an OPA complaint that had been filed



by the Complainant. NE#1 told OPA that he was professional during his interaction with the Complainant and he knew that was the case because that was his “manner.” He further told OPA that he treats cab drivers the same as he treats town car drivers.

Based on photographs of the Complainant’s vehicle that were attached to the ticket, it does not appear to be in dispute that the Complainant was parked illegally as he was stopped in a zone marked “Charter Bus Only.” Moreover, OPA did a rough analysis of a sampling of tickets issued by NE#1 between October 18, 2017 and October 28, 2017 to determine whether there was any discernable pattern of favoritism. OPA determined that, during this timeframe, NE#1 issued 272 citations. Four of those citations were issued to a Prius, which could suggest a ticket to a yellow cab. Five other tickets were issued to vehicles commonly used as town cars. While not ultimately dispositive, these findings suggest that NE#1 did not have a pattern of disparately ticketing cabs.

SPD Policy 5.001-POL-9 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-9.)

While I find no evidence of disparate treatment and while I conclude that the Complainant was parked illegally on the date in question, I cannot conclusively determine whether NE#1 was professional towards the Complainant. My inability to reach such a determination is based on the dispute of fact between the parties and the lack of video, audio, or other evidence supporting one account over the other. As such, I recommend that this allegation be Not Sustained – Inconclusive.

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

Named Employee #1 - Allegation #2

5.001 - Standards and Duties 12. Employees Shall Not Use Their Position or Authority for Personal Gain

SPD employees are prohibited from using their position or authority for personal gain. (SPD Policy 5.001-POL-12.)

Here, the Complainant alleged that it was rumored that NE#1 accepted money from town car drivers and, accordingly, did not ticket them. This, if true, would constitute NE#1 using his position for personal gain.

NE#1 adamantly denied engaging in such conduct. He told the OPA investigator assigned to this case that if OPA asked yellow cab drivers about his reputation they would say that he was fair. NE#1 further stated that he had a complaint filed against him one or two years ago by town car drivers, who alleged that he was giving yellow cabs too many warnings.

As discussed above, while not conclusive evidence, the analysis conducted by OPA did not discern any pattern on the part of NE#1 of ticketing yellow cabs over town cars.

I note that this allegation is a very serious one and the Complainant admitted that it was solely based on rumor. The Complainant did not present any evidence establishing that NE#1 engaged in this behavior and OPA was not able to locate any such evidence on its own. For these reasons, this allegation appears to be completely meritless. As such, I recommend that this allegation be Not Sustained – Unfounded.



Seattle
Office of Police
Accountability

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