



CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 21, 2019

CASE NUMBER: 2018OPA-0717

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 called him names during an interaction at Safeco Field during an incident in July of 2018. Their interaction stemmed from the Complainant’s role as a private ticket seller and the Named Employee’s role working as off-duty security at Safeco Field during a Seattle Mariners’ game.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

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

The Complainant told OPA that he makes part of his living by privately reselling tickets at various sporting events in Seattle, and that he has been doing so since 2005. The Complainant alleged that, while attempting to sell tickets, he has been repeatedly harassed by plain-clothes, off-duty SPD officers who work secondary employment at Safeco Field. The Complainant stated that the off-duty officers stare at him, follow him around, and tell him that he is only allowed to sell tickets across the street from the stadium. The Complainant disputed that there is a municipal code that restricts where he can sell tickets, though he acknowledged being cited for violating an ordinance associated with private ticket sales nearly 40 times. In addition to his harassment allegations, the Complainant specifically alleged that he was called a “motherfucker” and an “asshole” by Named Employee #1 (NE#1) in or about late July of 2018. The Complainant stated that he filmed multiple videos of the harassing behavior on his cellphone, which included actions by NE#1. However, he told OPA that he was unable to capture the names NE#1 called him because he started filming their interaction too late. The Complainant informed OPA that he would consider his complaint resolved when NE#1 and the other off-duty officers stopped harassing him and allowed him to make a living.

The Complainant showed OPA one of the videos on his cellphone and agreed to let OPA download it. However, he changed his mind about that and said that he would return to OPA on a later date with a copy of that video and possibly others on a USB drive. He contended that the video that it displayed an example of the harassing behavior on the part of officers. However, from OPA’s review of the video, there is no conduct captured that that could objectively be described as harassing or unprofessional. As of the date of this report, the Complainant had not provided any copies of videos to OPA.



OPA interviewed NE#1 about this allegation. NE#1 stated that he has worked secondary employment at Safeco Field during sporting events and is familiar with the Complainant. NE#1 estimated that he has interacts with the Complainant one to three times per event. NE#1 explained that his interactions with the Complainant involve the Complainant's repeated attempts to sell tickets in restricted areas. NE#1 explained that the Complainant is someone who repeatedly pushes the boundaries and disregards what he is told to do. NE#1 stated that he responds to the Complainant's actions by reminding him that he is not allowed to sell tickets in the restricted areas and by redirecting him to the areas where it is allowed. NE#1 denied that he ever called the Complainant any names or acted in an unprofessional manner.

OPA interviewed two other potential witness officers who OPA was able to identify after watching the video shown to the investigator by OPA. Those witness officers confirmed that NE#1 did not call the Complainant names, use profanity, or otherwise act in an unprofessional manner.

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.) 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.*) If, as the Complainant alleged, that NE# used profanity and called him names, that conduct would have constituted a violation of this policy.

Ultimately, the Complainant failed to present sufficient evidence to support his allegation that NE#1 engaged in unprofessional behavior. The video he showed OPA did not reflect such conduct. Moreover, he did not provide any additional videos to OPA, even though he stated that he would do so.

I further note that this is not the first time that the Complainant has filed an OPA complaint concerning law enforcement action taken against him at Safeco Field. Indeed, he has done so repeatedly. In all of those complaints, it is abundantly clear that the Complainant has consistently violated clearly established legal authority that precludes him from selling tickets illegally. While he may not agree with that ordinance, it does not make it any less of requirement that he comply with the law. Moreover, his filing of numerous unfounded OPA complaints suggests that he is using the disciplinary system in order to retaliate against the officers who are permissibly enforcing the law and to prevent them from stopping his illegal acts. This is unacceptable and will not be countenanced by OPA.

For these reasons, I recommend that this allegation be Not Sustained – Unfounded.

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