



## CLOSED CASE SUMMARY

ISSUED DATE: MARCH 12, 2018

CASE NUMBER: 2017OPA-0946

### 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)

***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 was rude and unprofessional during their encounter. The Complainant further alleged that the Named Employee has written him multiple tickets in the past, which he considers harassment.

### 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 that he had an interaction with Named Employee #1 (NE#1) during which he believed that she acted unprofessionally. The Complainant provided an audio recorded statement to OPA and outlined her behavior in detail. The Complainant, pointing to specific things that NE#1 allegedly said to him, contended that her behavior was “rude” and that she had a “bad attitude.” He further stated his belief that NE#1 was targeting his vehicles and was ticketing him at a higher rate than other similarly situated individuals. He asserted that this “harassment” was also unprofessional. The Complainant’s allegations against NE#1 are described more fully in the Case Summary.

During its investigation, OPA also interviewed another civilian witness. This individual stated that he was, like the Complainant, a mechanic. He indicated that both he and the Complainant had several vehicles parked in their neighborhood. The witness recalled that the Complainant had previously complained of feeling targeted by NE#1. The witness told OPA that, on the date in question, the Complainant called him concerning his ongoing interaction with NE#1. The witness said that he eventually came to the scene and watched the end of the interaction. The witness alleged that NE#1 was “rude.” In explaining why he believed this to be the case, the witness stated that NE#1 said that some of the Complainant’s vehicles did not “run” and that she “just knew” this to be true. The witness further told OPA that he believed that the number of tickets written by NE#1 to the Complainant meant that it was “personal” to her and that “she had to stick it to him.” The witness also reported feeling targeted by Parking Enforcement Officers (it is not clear if he was referring to NE#1).



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NE#1 told OPA that she cited various vehicles that belonged to the Complainant based on complaints that had been received from other residents of that neighborhood. She stated that she later became aware, after speaking with the Complainant and verifying with a supervisor, that several of the tickets that she wrote for the Complainant's antique vehicles were invalid because those vehicles were not required to have a front license plate. She stated that she voided those tickets and apologized to the Complainant for the error. NE#1 told OPA that she believed that she was professional during her interaction with the Complainant. She denied making most of the comments attributed to her by both the Complainant and the other civilian witness. NE#1 further reported to OPA that she "felt good" about her interaction with the Complainant and was surprised when she received the notification of this OPA complaint. NE#1 did not recall another civilian being a witness to her interaction with the Complainant. Lastly, NE#1 denied specifically targeting the Complainant.

During its investigation, OPA was not able to locate any video or audio evidence of the interaction.

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.)

As explained herein and with significantly more detail in the Case Summary compiled by the assigned OPA investigator, there are significant disputes of fact between NE#1's account and the accounts of the Complainant and the other civilian witness. While those individuals assert that NE#1 was unprofessional in this instance, NE#1 denies those allegations. Given these different accounts, and given the absence of any video evidence, I cannot make a conclusive determination as to whether NE#1's conduct violated the Department's professionalism policy. I further cannot conclusively find, based on the evidence in this case, that NE#1 improperly targeted the Complainant. Moreover, while the other civilian witness supports the Complainant's account, I do not find him to be a disinterested witness, as he also complained of being targeted by Parking Enforcement Officers. As such, in my opinion, his statement does not shift the burden of proof in favor of the Complainant. For these reasons, I recommend that this allegation be Not Sustained – Inconclusive.

I note that this is the most recent of a number of OPA complaints made against NE#1 in which she is alleged to have been unprofessional. Many of these complaints have been sustained, but some have been deemed inconclusive. That other complaints, such as this one, have been deemed inconclusive should not be interpreted to suggest that I think NE#1 was professional in these instances. It just means, as indicated above, that her professionalism (or lack thereof) could not be proved one way or the other. It cannot be a coincidence that OPA receives professionalism complaints against NE#1 at a rate higher than any Parking Enforcement Officer or, for that matter, any other employee of the Department. I strongly counsel her chain of command to take additional steps – for example, a more stringent performance management plan and/or closer supervisor – to try to remedy NE#1's apparent ongoing inability to treat those that she comes into contact with professionally.

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