



CLOSED CASE SUMMARY

ISSUED DATE: OCTOBER 6, 2018

CASE NUMBER: 2018OPA-0605

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)
# 2	5.001 - Standards and Duties 11. Employees Shall Be Truthful and Complete in All Communication	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 deliberately falsified information that was later provided to the Department of Justice and the federal Monitor.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

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

The Complainant is an Administrative Assistant in the Training Unit. During an interview that was part of an EEO investigation, she alleged that one of her sworn supervisors, Named Employee #1 (NE#1), ordered her to improperly change data in a report submitted to the Department of Justice (DOJ) and the federal Monitor. She stated that, when she refused to do so, NE#1 had another individual, a Department Sergeant also assigned to the Training Unit, change the data. The Complainant explained that the data pertained to how many employees had outstanding evaluations for Department trainings (it was allegedly changed from eight to three). The Complainant stated that she reported the changing of the data to the then Captain of the Training Unit.

Given the substance of the Complainant’s statement, the EEO Sergeant referred this matter to OPA and this investigation was initiated.

OPA interviewed the Complainant who reiterated the allegations that she made during to the EEO Sergeant.

OPA also interviewed NE#1. NE#1 stated that she did not ever falsify or knowingly provide inaccurate information to DOJ and the federal Monitor. She stated that information concerning training evaluations changes constantly as these evaluations are completed electronically by officers on a rolling basis.



OPA interviewed both the Sergeant who was responsible for modifying the information and the Captain who the Complainant stated she spoke with. The Sergeant confirmed that the document reflected that he changed the data but denied that he had been instructed to falsify information by NE#1. He echoed NE#1's statement that the data changed constantly. He also stated he recalled times where the Complainant was resistant to changing data and that she did not seem to understand that that different information may have been requested and the data had to be altered accordingly. Again, he confirmed that he had never entered or had been directed to enter false information on any reporting that was submitted.

The Captain stated that he had no recollection of the Complainant ever reporting to him that data had been falsified by NE#1 or the Sergeant. He did remember that the Complainant told him on several occasions that she believed that she was being mistreated by NE#1. This was the basis behind the EEO complaint that she initiated. The Captain, like NE#1 and the Sergeant, stated that the information used in the reporting changed constantly and that he and NE#1, but not the Complainant, were privy to the conversations in which the data was updated or new data or presentations of that data were requested. The Captain noted that the Complainant had difficulty staying within her role of inputting data and, instead, consistently tried to make the "business rules," even though it was not in her purview or responsibilities to do so.

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 it were proven, as the Complainant asserts, that NE#1 deliberately falsified information that was later provided to DOJ and the federal Monitor, that conduct would certainly have been unprofessional. However, based on the information in the record, there is no evidence establishing that NE#1 engaged in this behavior. Instead, the evidence suggests that NE#1 asked the Sergeant to modify the data based on actual numerical changes that had occurred. The Complainant, in her role, would not have been aware of such changes. Her responsibility was to input the data, not to determine its underlying accuracy or validity.

Underlying this complaint is the fact that the Complainant has filed a hostile work environment claim against NE#1. This certainly causes OPA to question whether the allegations made herein against NE#1 are purposed to serve as retribution or to buttress the EEO case. However, I do not opine on this question one way or another as it does not have any bearing on my conclusion, which is supported by the facts in the record. Ultimately, the evidence is insufficient to establish that NE#1 was unprofessional, that she falsified data or directed that it be falsified, or that she engaged in any other misconduct. As such, I recommend that this allegation be Not Sustained – Unfounded.

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



Named Employee #1 - Allegation #2

5.001 - Standards and Duties 11. Employees Shall Be Truthful and Complete in All Communication

SPD Policy 5.001-POL-11 requires Department employees to be truthful and complete in all communications.

As discussed above, I see no evidence indicating that NE#1 engaged in any misconduct, let alone that she was dishonest. There is insufficient support for the Complainant's assertion that NE#1 knowingly falsified information or directed that it be falsified. Moreover, these assertions are denied not only by NE#1, but also by the Sergeant and Captain. For these reasons, I recommend that this allegation be Not Sustained – Unfounded.

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