



CLOSED CASE SUMMARY

ISSUED DATE: DECEMBER 14, 2021

FROM: DIRECTOR ANDREW MYERBERG
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2021OPA-0212

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.001 – Standards and Duties 10. Employees Will Strive to be Professional	Sustained
# 2	5.125-POL 2 – Employee Personal Use of Social Media 1. Employees Shall Not Post Speech That Negatively Impacts the Department’s Ability to Serve the Public	Sustained

Imposed Discipline

Forwarded to CCSC for Discipline

Named Employee #2

Allegation(s):		Director’s Findings
# 1	5.001 – Standards and Duties 10. Employees Will Strive to be Professional	Sustained
# 2	5.125-POL 2 – Employee Personal Use of Social Media 1. Employees Shall Not Post Speech That Negatively Impacts the Department’s Ability to Serve the Public	Sustained
# 3	5.125-POL 2 – Employee Personal Use of Social Media 2. Employees May Not Post Privileged Information or Represent the Department	Sustained

Imposed Discipline

Forwarded to CCSC for Discipline

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:

It was alleged that the Named Employees violated SPD’s professionalism and social media policies.

SUMMARY OF INVESTIGATION:

An employee of the Communications Section notified a supervisor of social media posts made by two other unit employees – Named Employee #1 (NE#1) and Named Employee #2 (NE#2). The employee believed that these posts were potentially unprofessional. After reviewing the posts, the supervisor referred the complaint to OPA, and this investigation ensued.



OPA reviewed the posts in question. In the first post, NE#2 – a 911 call taker – wrote about an interaction she had with a female caller in which she intentionally referred to the caller as “sir” even though NE#2 knew the caller’s gender. NE#2 wrote that she could hear that this made the caller upset. She commented: “I could hear her [the caller] mumbling and livid at my ‘mistake’ but lemme tell you, those small wins are what I live for lolol.” NE#1 replied to the post, writing: “lol, I love this...” NE#2 responded: “I’m just now remembering all the ways to upset someone subtly.” NE#1 replied: “please...I will take all the tips. Do tell.”

In the second post, NE#2 discussed work providing food for employees and her displeasure about receiving a vegetable tray. She ended the post writing: “#snitchesgetstiches.”

In the third post, NE#2 described a number of calls she took and listed sarcastic and, at times, profane responses that she wished she provided to the callers.

In the fourth post, NE#2 referenced a suicide call that she took where she was extremely emotionally affected. NE#1 did not appear to comment on the second, third, or fourth posts.

Lastly, OPA identified that NE#2’s first, second, and third posts were made when she was on duty.

OPA interviewed both Named Employees. Both Named Employees admitted that they wrote the posts identified by OPA. NE#1 said that she saw how her response to NE#2’s post could be perceived as unprofessional. She said that she thought she was sending NE#1 a private message and did not know that her post was public.

NE#2 also acknowledged that her posts were unprofessional. She said that the posts were “immature” and constituted a “dumb mistake” on her part. She believed that the calls she referenced in her third and fourth post were real; however, she did not remember whether they occurred during the dates the posts were made. She said that, at least in part, the posts were made as a coping mechanism.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

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

SPD Policy 5.001-POL-10 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-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.*)

It is clear to OPA that both of the Named Employees violated SPD’s professionalism policy through their social media posts and conduct. Of the two, NE#2 is substantially more culpable. She wrote a post celebrating her purposefully misgendering an agitated caller for malicious reasons. She also posted content that not only was pejorative towards 911 callers, but that also disclosed confidential call information. All of this conduct is simply antithetical to the expectations placed on and the trust afforded to Communications Section employees.



While not as egregious as NE#2, NE#1's affirmation of NE#2's post and comments in response were also unprofessional. Instead of endorsing NE#2's rudeness, NE#1 should have called her out. However, NE#1 disappointed and failed to do so.

For these reasons, OPA recommends that this allegation be Sustained as against both Named Employees.

Recommended Finding: **Sustained**

Named Employee #1 - Allegation #2

5.125-POL 2 – Employee Personal Use of Social Media 1. Employees Shall Not Post Speech That Negatively Impacts the Department's Ability to Serve the Public

SPD Policy 5.125-POL-2(1) states that "employees shall not post speech that negatively affects the Department's ability to serve the public."

Here, both of the Named Employees posted speech on social media that was unprofessional, contrary to the expectations of the Communications Section, and that served to undermine public trust and confidence in both them and in their employer.

Given this, OPA recommends that this allegation be Sustained as against both NE#1 and NE#2.

Recommended Finding: **Sustained**

Named Employee #2 - Allegation #1

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

For the same reasons as stated above (see Named Employee #1 – Allegation #1), OPA recommends that this allegation Sustained.

Recommended Finding: **Sustained**

Named Employee #2 - Allegation #2

5.125-POL 2 – Employee Personal Use of Social Media 1. Employees Shall Not Post Speech That Negatively Impacts the Department's Ability to Serve the Public

For the same reasons as stated above (see Named Employee #1 – Allegation #2), OPA recommends that this allegation be Sustained.

Recommended Finding: **Sustained**

Named Employee #2 - Allegation #3

5.125-POL 2 – Employee Personal Use of Social Media 2. Employees May Not Post Privileged Information or Represent the Department

SPD Policy 5.125-POL-2(2) prohibits Department employees from posting privileged information online.



While NE#2 did not include incident numbers or other personal identifying information of the callers, she still publicly posted sensitive information from 911 calls that she only had immediate access to as a function of her employment. OPA finds that this conduct falls squarely in the prohibition set forth in this policy.

Accordingly, OPA recommends that this allegation be Sustained.

Recommended Finding: **Sustained**