



## CLOSED CASE SUMMARY

ISSUED DATE: APRIL 9, 2020

CASE NUMBER: 2019OPA-0835

### **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, a Parking Enforcement Officer, made unprofessional statements to him.

### **ANALYSIS AND CONCLUSIONS:**

#### **Named Employee #1 - Allegation #1**

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

The Complainant alleged that he was parked in a no-parking zone when he was approached by a Parking Enforcement Officer (PEO). The Complainant stated that the PEO, who was later identified as Named Employee #1 (NE#1), walked over to his vehicle and he rolled the window down. The Complainant said that he explained that he was going to move and that he was just trying to figure out where he was going. The Complainant asserted that, in response, NE#1 asked him: "can you read?" This was apparently in reference to the posted no-parking sign. The Complainant replied: "I'm just trying to figure things out, I'm not parked, I'll move." The Complainant explained that NE#1 grew even more aggressive and retorted: "I'm not asking you to move, I'm asking if you can fucking read." The Complainant alleged that NE#1's conduct was unwarranted and inappropriate. This OPA investigation ensued.

As part of its investigation, OPA attempted to conduct an interview with the Complainant to further explore his allegations. However, the Complainant did not respond to OPA's requests for contact and, as such, OPA was unable to interview him.

OPA interviewed NE#1, who recalled interacting with a parked motorist on the date in question. He said that he approached the vehicle, which was illegally parked, and noticed that it was occupied. He asked the driver whether he saw the no-parking sign and the driver stated that he was just there to pick up a friend. NE#1 told OPA that, in response, he said something along the lines of: "That's not what I asked, I asked if you saw the sign." NE#1 explained that, at this point, the driver became upset and said: "fuck you." NE#1 stated that he ended the contact and drove away to conduct parking enforcement activities up the block. He indicated that, while he was in the process of citing another vehicle, a person came up to him and asked him for his name and serial number. He provided it. He said that this person was not the driver he had earlier interacted with. NE#1 denied ever asking the driver if he could "fucking read."



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.*) 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.*)

There is no video of this incident that OPA could locate. As such, the sole evidence available to OPA is the accounts of the Complainant and NE#1. NE#1 was interviewed by OPA and provided a credible explanation of what occurred and denied making the statements attributed to him. However, the Complainant declined to cooperate with this investigation. Given this and when applying the requisite standard of proof, OPA finds that the weight of the evidence supports NE#1’s account. As such, OPA recommends that this allegation be Not Sustained – Unfounded.

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