



CLOSED CASE SUMMARY

ISSUED DATE: MAY 15, 2020

CASE NUMBER: 2020OPA-0898

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.020 - Gifts and Gratuities 1. Department employees shall not accept any gift or other item if it appears that the person offering the gift is trying to influence the employee.	Not Sustained (Unfounded)

Named Employee #2

Allegation(s):		Director's Findings
# 1	5.020 - Gifts and Gratuities 1. Department employees shall not accept any gift or other item if it appears that the person offering the gift is trying to influence the employee.	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:

An anonymous Complainant alleged that the Named Employees improperly accepted gifts from a local restaurant owner and that these gifts influenced their subsequent law enforcement activity.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

5.020 - Gifts and Gratuities 1. Department employees shall not accept any gift or other item if it appears that the person offering the gift is trying to influence the employee

The Complainant stated that two Parking Enforcement Officers (PEOs), Named Employee #1 (NE#1) and Named Employee #2 (NE#2), were given gifts by a local restaurant owner. The Complainant told OPA that he observed the restaurant owner hugging and socializing with the Named Employees. The Complainant alleged that, in return for those gifts, the Named Employees allowed the restaurant owner to consistently park his vehicles illegally without ticketing him.

OPA interviewed the restaurant owner. He denied giving gifts to PEOs in response for favorable law enforcement activity. He stated that he did gift pastries to people during the Christmas season, but he did not remember giving any such pastries to PEOs.

OPA also interviewed the Named Employees. NE#1 said that, on the date in question, he was in the vicinity of the restaurant. He said that he regularly ate at the restaurant, as well as at other local establishments. He said that he stopped to speak with NE#2, who was chalking the tire of a vehicle outside of the restaurant. He recalled that, at this point, the restaurant owner's wife came outside of the restaurant, offered him a pastry, and hugged him when they



parted. NE#1 denied that the gift of the pastry influenced his law enforcement activity. He further noted that he was not responsible for enforcing parking violations in the vicinity of the restaurant on that date. Lastly, he confirmed that the cost of the pastry was \$4.96, within the monetary threshold for gifts that he was permitted to accept.

NE#2 told OPA that he was conducting parking enforcement in the vicinity of the restaurant. He said that he chalked multiple vehicles on that date. While he did not know this at the time, he confirmed that he later learned that one of those vehicles, which was parked in a 30-minute load/unload zone, belonged to the restaurant owner. NE#2 saw NE#1 and stopped to speak with him. He recalled that a woman came out of the restaurant and approached them. She greeted NE#1, wished him a merry Christmas, and offered him a pastry. NE#1 accepted it. She also offered NE#2 a pastry and he accepted. She gave NE#1 a hug and then asked NE#2 if she could also hug him. NE#2 said yes, and she did so. The woman then walked away. NE#2 stated that he did not know who the woman was or whether she was affiliated with the restaurant owner or the illegally parked vehicle. NE#2 told OPA that his acceptance of the pastry did not affect his law enforcement actions on that date or any other date.

Lastly, as part of its investigation, OPA analyzed the citation histories for the Named Employees. OPA determined that both Named Employees had issued numerous citations in that location. OPA further identified that NE#2 issued a citation to the restaurant owner's vehicle on one previous occasion.

SPD Policy 5.020 governs gifts provided to and accepted by Department employees. SPD Policy 5.020-POL-1 prohibits officers from accepting gifts if it reasonably appears that the gifts are purposed to influence the officer. However, as long as this is not the case, SPD Policy 5.020-POL-2 allows officers to accept food purchased by a community member on their behalves, as long as those items are valued at less than \$5.

Here, both Named Employees denied that the provision of pastry to them by the restaurant owner's wife influenced their law enforcement activity. Moreover, both asserted their belief that it was not purposed to do so. Notably, neither of the officers knew which vehicle belonged to the restaurant owner and continued to enforce parking violations in that location. For his part, the restaurant owner denied being aware that pastries were provided to the Named Employee's but stated that, even had they been, this was consistent with his overall practice of giving pastries out for free during the holidays. The restaurant owner stated that this was not purposed to influence the Named Employees. While the Complainant asserted otherwise, his claim is not supported by a preponderance of the evidence. Lastly, the cost of the pastry was below the limit set by the Department. As such, the Named Employees were allowed to accept the pastries and did not violate policy when they did so.

For the above reasons, OPA recommends that this allegation be Not Sustained – Unfounded.

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

Named Employee #2 - Allegations #1

5.020 - Gifts and Gratuities 1. Department employees shall not accept any gift or other item if it appears that the person offering the gift is trying to influence the employee

For the same reasons as stated above (see Named Employee #1 – Allegation #1), OPA recommends that this allegation be Not Sustained – Unfounded.

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