



CLOSED CASE SUMMARY

ISSUED DATE: SEPTEMBER 24, 2020

FROM: DIRECTOR ANDREW MYERBERG
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2020OPA-0236

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	Sustained
Imposed Discipline		
Terminated Prior to Proposed DAR - 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:

The Complainant alleged that the Named Employee was unprofessional towards him.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.001 – Standards and Duties 10. Employees Shall Strive to Be Professional

The Complainant initiated this complaint with OPA in which he alleged that Named Employee #1 (NE#1), a former Parking Enforcement Officer (PEO), treated him unprofessionally. The Complainant reported that he was parking his car and did not know whether he was required to pay for parking given the ongoing COVID-19 pandemic. He said that he noticed NE#1 in the location and approached him. The Complainant asked NE#1 about the current parking regulations in that area and, according to the Complainant, NE#1 responded by telling him to read the sign governing that zone. As he was still confused, the Complainant asked for further clarification. He told OPA that NE#1 cut him off and shouted: “Read the fucking sign.” The Complainant stated that he then took a picture of the license plate of NE#1’s vehicle. The Complainant felt that this was unprofessional and noted that his minor son was with him at the time of the interaction.

OPA obtained security video that showed a man with a young child walking from a parked car to a PEO vehicle, returning to his parked car, and then taking a photograph of the PEO vehicle. This video confirmed that the Complainant did have an interaction with NE#1. However, the video had no audio.

Based on the information provided by the Complainant, OPA was able to identify NE#1 as the PEO who interacted with him. During the pendency of this case, NE#1, who was still a probationary employee, was terminated by SPD. OPA still attempted to interview NE#1 to get his account of what occurred. NE#1 did not appear for his scheduled



interview. He further did not respond to OPA's attempts to reschedule him to be interviewed in order to get his account of what occurred.

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 also prohibits officers from using "profanity directed as an insult or any language that is derogatory, contemptuous, or disrespectful toward any person." (*Id.*)

As discussed above, NE#1 declined to participate in an OPA interview and, as such, OPA does not have his recitation of the facts. This leaves the Complainant's account as the sole evidence before OPA. The Complainant provided a credible account and OPA has no reason to doubt that the incident occurred as he described. OPA finds that the use of profanity towards a community member who was asking a simple question is well outside of the Department's expectations for NE#1's conduct. NE#1 was a public employee who, as a function of his duties, was required to interact with the community and to do so respectfully and politely. When NE#1 failed to do so here, he diminished confidence in both himself and the Department. This was simply unacceptable and, accordingly, OPA recommends that this allegation be Sustained.

Recommended Finding: **Sustained**