



CLOSED CASE SUMMARY

ISSUED DATE: OCTOBER 2, 2020

FROM: DIRECTOR ANDREW MYERBERG
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2020OPA-0276

Allegations of Misconduct & Director's Findings

Named Employee #1		Director's Findings
Allegation(s):		
# 1	5.001 – Standards and Duties 10. Employees Shall Strive to Be Professional	Not Sustained (Unfounded)
# 2	SPD Communications Manual 3.005-POL-1 Communications Employees Shall Conduct Themselves in a Professional Manner at all Times	Not Sustained (Unfounded)

EXECUTIVE SUMMARY:

It was alleged that the Named Employee engaged in unprofessional conduct in the workplace.

SUMMARY OF INVESTIGATION:

OPA received a complaint from the Communications Section chain of command concerning allegedly unprofessional behavior engaged in by Named Employee #1 (NE#1). It was specifically alleged that NE#1 had stood directly behind another dispatcher and screamed in that dispatcher's ear. This caused that dispatcher to be startled and to cry. It was also alleged that other unidentified employees within the Communications Section relayed that this was part of a pattern of unprofessional behavior on the part of NE#1. OPA accordingly commenced this investigation.

As part of its review of this case, OPA reviewed Performance Management Records (PMR) documenting counseling provided to NE#1 concerning this matter and his overall professionalism. The PMR indicated that NE#1's supervisors discussed their expectations that he would not engage in unprofessional behavior and that he acceded to those expectations. OPA further determined that, since this PMR was issued, he did not receive any further counseling or additional PMRs concerning his professionalism.

OPA further interviewed the dispatcher that was reportedly yelled at, as well as the supervisor who made the OPA referral and counseled NE#1. The dispatcher told OPA that she, not NE#1, was the individual who yelled. She said that NE#1 came behind her and took hold of her chain prior to saying hello. It was a quiet night, and this surprised her, causing her to yell. She recalled that she told NE#1 that she did not know what that scared her so much and why she was crying. The dispatcher said that it was a big misunderstanding and that NE#1 did not do anything wrong.

The supervisor told OPA that he observed NE#1 moving towards the dispatcher and, a short time thereafter, heard a scream and saw the dispatcher crying. He believed, based on what he saw, that NE#1 had screamed at the dispatcher, causing her to cry. He did not ask the dispatcher what occurred and only inquired whether she was okay.



He then counseled NE#1 about the incident. During that counseling, NE#1 told the supervisor that he did not scream at the dispatcher and had only made a low volume noise while standing behind her.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.001 – Standards and Duties 10. Employees Shall 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.)

OPA’s investigation ultimately determined that NE#1 did not, as alleged, yell in the dispatcher’s ear causing her to scream and cry. Instead, as the dispatcher relayed to OPA, he came behind her to say hello and this surprised her. As such, there is no evidence that he engaged in unprofessional conduct during this incident. Moreover, to the extent there were other unrelated incidents during which NE#1 acted unprofessionally, those were addressed by the PMR and, as far as OPA could discern, NE#1 has not repeated this conduct.

For these reasons, OPA recommends that this allegation and Allegation #2, below, be Not Sustained – Unfounded.

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

Named Employee #1 - Allegation #2

SPD Communications Manual 3.005-POL-1 Communications Employees Shall Conduct Themselves in a Professional Manner at all Times

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)**