



CLOSED CASE SUMMARY

ISSUED DATE: APRIL 5, 2021

FROM: DIRECTOR ANDREW MYERBERG
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2020OPA-0642

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 (Inconclusive)

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 Employee was unprofessional.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

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

OPA received a complaint from an anonymous community member. The Complainant alleged that Named Employee #1 (NE#1), a Parking Enforcement Officer (PEO), was "dangerous and very aggressive with directing traffic." The Complainant described that NE#1 told a vehicle to back up in an intersection "for no reason, except her power struggles" and, in doing so, could have caused someone to get hit. The Complainant said that NE#1 yelled at another motorist and lost "sight of what she needs to be directing to push around drivers that are confused by her actions/direction." The Complainant opined that NE#1 needed "at minimum...some additional training."

Given that the Complainant was anonymous, OPA could not interview them to obtain further information concerning what they observed, what NE#1 said and did, and whether they recorded the incident in full or in part.

OPA analyzed the CAD Call Log and determined that NE#1 was working in that location at the date and time at issue in an off-duty capacity. However, NE#1 was not equipped with Body Worn Video (BWV) and, as such, there was no Department video documenting what occurred.

OPA interviewed NE#1. She confirmed that she was working off-duty at a construction site. She recalled that a vehicle began to pull into the intersection against a red light. At that time, there were other cars in the lanes of travel, and she was concerned that there would be a collision. She yelled at the vehicle to stop. She asked the vehicle to back up and then allowed two pedestrians, who were standing on the corner, to cross. She said that she had to tell the vehicle to back up multiple times before it did so. She stated that she may have also yelled at the



pedestrians to stop at one point. She noted that she spoke loudly as a general matter, but that sometimes she had to speak even louder when giving directions because of wearing a facemask.

NE#1 said that she believed that it was necessary to yell at the driver and, had she not done so, there may have been a collision. NE#1 denied the allegations made by the Complainant. She said that she did not insult or use inappropriate language towards anyone. She contended that she was professional during this incident.

Lastly, OPA asked NE#1 if her working significant amounts of overtime assignments may have contributed to her yelling at the driver. NE#1 denied that this was the case and said that she always made sure to get sufficient rest when working overtime and did not let this affect her professionalism.

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.*)

Ultimately, without a statement from the Complainant, OPA has insufficient evidence to counter the account provided by NE#1. Given the lack of video, this absence of this evidence informs the conclusion that whether or not NE#1 engaged in unprofessional conduct is inconclusive. OPA reaches this decision even though, as discussed in prior cases involving NE#1, she has more professionalism allegations against her than any PEO or, for that matter, virtually any other SPD employee. Many of those cases stem, like this incident, from her working off-duty assignments and her interactions with community members in that capacity. Even though OPA cannot prove this case by a preponderance of the evidence, NE#1’s chain of command should strongly consider whether it is necessary to assess her off-duty work, particularly given that she continues to receive professionalism complaints at a significant rate.

The above being said, in the absence of sufficient evidence, OPA recommends that this allegation be Not Sustained – Inconclusive.

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