



## ***CLOSED CASE SUMMARY***

ISSUED DATE: MAY 24, 2021

FROM: DIRECTOR ANDREW MYERBERG  
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2020OPA-0735

### **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
# 2	SPD Policy 12.040-Department-Owned Computers, Devices & Software, POL-3 (2) Employees Use Devices in a Professional Manner	Sustained
Imposed Discipline		
Written Reprimand		

***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.

### **SUMMARY OF INVESTIGATION:**

OPA received a complaint that was forwarded by SPD's EEO investigator. The complaint was filed by the Complainant, a dispatcher, concerning the actions of Named Employee #1 (NE#1), another dispatcher. The Complainant alleged that NE#1 had engaged in actions that caused him embarrassment, that were unprofessional, and that caused him to experience a hostile work environment. EEO evaluated that Complainant's allegations of a hostile work environment and forwarded the remaining claims to OPA. This investigation ensued.

OPA determined that, on November 25, 2020, the Complainant sent NE#1 a CAD message saying: "YOU'RE NOT ON READY." This referred to NE#1's present status being listed as "not ready," meaning that she was not prepared to accept calls. The Complainant responded: "STOP BEING A BULLY" and "FIGHT ME LIKE A MAN." The Complainant replied: "COME SEE ME." NE#1 subsequently wrote the following to the entire West Precinct: "THREAT/1 COMM CENTER, WEST DISPATCH IS THREATENING ME." She then wrote to the Complainant: "THE POLICE WILL COME AND SAVE ME" and "JK FAM." After she sent the message to the whole West Precinct, officers began writing her asking if she was in danger and if they needed to come to the Communications Center. She continued to make statements suggesting that she was in danger but ultimately informed the officers that she was safe and only joking. A Lieutenant at the precinct also called up to the Communications Center to make sure everyone was safe. After this occurred, NE#1 sent messages indicating her belief that she was going to get in trouble. NE#1 was later directed to apologize for the messages and received counseling and retraining from her chain of command.



OPA interviewed both the Complainant and NE#1. The Complainant said that his first message to NE#1 was a joke and that he usually engaged in banter with NE#1. When she responded to him with the comment about bullying, he told her to come see him so that he could explain that he was joking. However, she then sent a message to all West Precinct officers. The Complainant felt that NE#1 did this to humiliate him. He believed that the messages were unprofessional and said that they had the result of making his work more difficult.

NE#1 also said that she and the Complainant had joked around in the past. She felt that she was continuing the joking initiated by the Complainant that evening by sending the message to all West Precinct officers. She thought that they would understand that she was joking; however, she recognized that the commanders did not know her and would not have known that she was joking. She did not intend to be unprofessional but recognized that her messages were improper. She acknowledged that the messages caused officers to believe that there was a safety risk in the Communications Center, that they were disrespectful to the Complainant and undermined him in front of other SPD employees, and that the messages could have diminished officer trust and confidence in the Complainant. She lastly agreed that her messages constituted an improper use of the CAD system.

#### **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 finds that NE#1’s CAD messages violated the Department’s professionalism policy in a number of respects. First, they were wholly inappropriate messages to have sent in any workplace, let alone within SPD. Indeed, multiple officers responded with concerns that NE#1 could be in physical danger or that there was a violent crime ongoing at the precinct. This included a supervisor who took the step of calling the Communications Center to make sure everyone was safe.

Second, the sending of the messages was embarrassing to the Complainant and very well could have had a negative impact on his work performance and his feeling comfortable in the workplace.

Third, engaging in such conduct was antithetical to NE#1’s duties as a dispatcher. In that role, she is expected to handle calls of criminal activity – and, at times, violent crimes – with seriousness. She did the opposite here, using her position and her ability to transmit messages to the entire precinct for frivolous and improper reasons.

Fourth, in OPA’s opinion, engaging in this conduct is clearly contrary to the expectations set by the Department and the community and, thus, NE#1’s actions undermine public trust and confidence in her ability to carry out her job responsibilities.

While OPA considered that NE#1 received counseling and retraining from her chain of command, this does not preclude OPA from finding that she acted contrary to policy and recommending that she receive discipline. Indeed, her actions were so egregious here that OPA finds that discipline is warranted.



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Accordingly, OPA recommends that this allegation be Sustained.

Recommended Finding: **Sustained**

**Named Employee #1 - Allegation #2**

***SPD Policy 12.040-Department-Owned Computers, Devices & Software, POL-3 (2) Employees Use Devices in a Professional Manner***

SPD Policy 12.040-POL-3(2) concerns the use of Department-owned computers, devices, and software and mandates that employees who uses these do so in an appropriate and professional manner.

Here, it is undisputed that NE#1 sent messages over CAD and via her SPD-owned computer that were unprofessional and inappropriate. As such, NE#1 violated this policy and OPA recommends that this allegation be Sustained.

Recommended Finding: **Sustained**