



CLOSED CASE SUMMARY

ISSUED DATE: JULY 2, 2021

FROM: DIRECTOR ANDREW MYERBERG
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2021OPA-0131

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 – Standards and Duties 11. Employees Shall be Truthful and Complete in All Communication	Sustained
# 2	5.001 – Standards and Duties 10. Employees Shall Strive to be Professional	Sustained
Imposed Discipline		
Termination Prior to Proposed DAR		

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:

OPA alleged that the Named Employee was dishonest to a criminal investigator and to OPA. OPA further alleged that this conduct, if true, was unprofessional.

SUMMARY OF INVESTIGATION:

Named Employee #1 (NE#1) was the subject of an OPA investigation (2020OPA-0455) surrounding her accessing SPD records for personal reasons and then relaying that information to her partner. Her partner was alleged to have then shared the information with his friend. The friend used the information to harass his estranged wife. The estranged wife later complained which resulted in the OPA investigation.

The allegations against NE#1 were referred for a criminal investigation. The criminal investigator verified that NE#1 accessed on multiple occasions four general offense reports involving the friend and his estranged wife. The criminal investigator contacted NE#1's supervisors and determined that she had no legitimate employment reason to access the files and that she was not asked or authorized to do so as part of her work duties.

The criminal investigator then interviewed NE#1. She initially denied knowing who the friend and estranged wife were. NE#1 was shown documentation of her accessing the files, but this did not appear to jog her memory. The criminal investigator noted that her partner and the friend went fishing together and she stated that she may have heard the friend's name from that. The criminal investigator told her that it "looks bad" that she accessed the report, and, at that point, NE#1 requested an attorney. After the interview was terminated, the criminal investigator asked NE#1 if she had any questions. She responded that she did not want to get into trouble but that "he kept asking me to look up the cases; I just gave the case number and the name of the detective."



In addition, and relevant to the veracity of NE#1's account, the criminal investigator spoke with the friend's most recent girlfriend. She conveyed that the friend bragged about knowing someone at SPD and indicated that he met the contact through NE#1's partner. The girlfriend was able to overhear a call on the friend's phone in which he confirmed that the contact was, in fact, NE#1. The girlfriend also overheard a call during which NE#1's partner provided the friend with a list of case numbers.

As part of its investigation, OPA interviewed NE#1. She admitted accessing the reports and doing so for personal reasons. She told OPA that the friend was going through a contentious divorce with the estranged wife. She said that she learned this through her partner. She said that she became aware that there were allegations of stalking, threats, and weapons possession and she affirmed that she accessed the reports to see whether it was safe for the friend to be around her home. NE#1 denied providing any information in the reports to her partner. However, she told her partner that the friend could not come to or park outside of her home.

OPA ultimately issued a DCM on March 7, 2021, in which OPA found that NE#1 violated SPD and City policies concerning access to law enforcement information and that she used her position for personal gain by reviewing these materials and relaying the information therein to her partner. OPA further noted that NE#1's accounts provided to both the criminal investigation and to OPA appeared to be deliberately misleading if not dishonest. Accordingly, OPA initiated another investigation – the case discussed here – to assess whether this was the case.

After OPA issued its recommended Sustained findings in 2020OPA-0455, NE#1 participated in due process hearing before the Chief of Police and others. At that meeting, NE#1 provided a substantially different account than articulated to the criminal investigator and during her OPA interview, relaying new reasons for why she accessed the information. NE#1's employment was subsequently terminated by the Chief of Police.

As part of the subsequent investigation into her potential dishonesty, OPA offered NE#1 the opportunity to participate in an interview. OPA could not order her to do so because she was no longer employed by SPD. She declined and was not interviewed.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.001 – Standards and Duties 11. Employees Shall be Truthful and Complete in All Communication

SPD Policy 5.001-POL-11 requires Department employees to be truthful and complete in all communications. OPA finds that NE#1 was dishonest in her communications with both the criminal investigator and with OPA.

With regard to her statements to the criminal investigator, NE#1 initially denied being familiar with her partner's friend, which was later revealed to be clearly false. Indeed, her alibi during the OPA investigation was that she looked up the information in question specifically because she was concerned about having the friend in and around her home, which indicates that she was well aware of the identity of the friend when she looked up the records and when she was questioned by the criminal investigator.

NE#1 also made at least one significant material misrepresentation of fact to OPA. Specifically, she told OPA that, while she looked up the criminal information, she did not convey the information she found to anyone, including her partner. However, this is directly contradicted by what she earlier told the criminal investigator, namely: "he kept



asking me to look up the cases; I just gave the case number and the name of the detective.” These dueling statements cannot be reconciled and indicate to OPA that NE#1 was dishonest. Moreover, the friend’s girlfriend confirmed that NE#1’s partner verified that he was given the information by NE#1 and that the partner relayed a list of case numbers to the friend. This is again conclusive evidence of NE#1’s dishonesty.

The requirement that SPD employees be truthful and forthcoming is paramount. Here, the evidence indicates that NE#1 violated this requirement and deliberately withheld and misrepresented material information during both the criminal and administrative investigations. Accordingly, OPA recommends that this allegation be Sustained.

Recommended Finding: **Sustained**

Named Employee #1 - Allegation #2

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.)

Lying to SPD and OPA also constitutes a violation of SPD’s professionalism policy as it undermines public trust and confidence in NE#1. As such, OPA also recommends that this allegation be Sustained.

Recommended Finding: **Sustained**