



CLOSED CASE SUMMARY

ISSUED DATE: NOVEMBER 17, 2021

FROM: DIRECTOR ANDREW MYERBERG
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2021OPA-0268

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:

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

SUMMARY OF INVESTIGATION:

The Complainant submitted a complaint to OPA in which she alleged that she had a negative interaction with Named Employee #1 (NE#1), a Parking Enforcement Officer (PEO). The Complainant stated that she was parked in front of her residence when she was approached by NE#1. At that time, NE#1 told her that she was parked in a restricted area and needed to move her vehicle. NE#1 then walked to the front of the Complainant's vehicle to obtain information. The Complainant asserted that NE#1 was unprofessional towards her. The Complainant subsequently informed OPA that, the following day, she found a citation on her vehicle that had been issued by NE#1. The Complainant said that she was surprised that the citation was issued in this manner, rather than by NE#1 handing the citation to her.

OPA further interviewed NE#1. She stated that she observed the Complainant's vehicle parked in a restricted area. At that time, there was no one in the vicinity of the vehicle. She began issuing a citation when the Complainant walked up. She informed the Complainant that the vehicle was illegally parked and asked her to move it to a legal spot. NE#1 described the Complainant as not being cooperative. NE#1 told OPA that, when she got back to her office, she realized that she cited the Complainant when she meant to issue a warning. She decided to void the citation from her office as opposed to returning to the scene to inform the Complainant of this. While NE#1 recognized that this could cause confusion for the Complainant, she believed that, had she returned to the scene, the situation would have escalated between them. NE#1 denied that she acted unprofessionally during her interaction with the Complainant.

NE#1, as a PEO, was not equipped with either In-Car Video or Body Worn Video. Moreover, OPA was not able to locate any third-party video documenting what occurred.



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.) 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.”

Given the disputes of fact between the accounts provided by the Complainant and NE#1 and due to the lack of video showing what occurred, OPA cannot definitively determine whether or not NE#1 acted unprofessionally. As such, OPA recommends that this allegation be Not Sustained – Inconclusive.

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