



CLOSED CASE SUMMARY

ISSUED DATE: DECEMBER 2, 2021

FROM: DIRECTOR ANDREW MYERBERG
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2021OPA-0294

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy	Sustained
# 2	5.001 - Standards and Duties 11. Employees Will Be Truthful and Complete in All Communication	Sustained
# 3	5.001 - Standards and Duties 10. Employees Will Strive to be Professional	Sustained
# 4	15.180 – Primary Investigations 5. Officers Shall Document all Primary Investigations on a Report	Sustained

Imposed Discipline

Forwarded to SDOT for Discipline

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 created multiple fraudulent records of his activity.

SUMMARY OF INVESTIGATION:

OPA received a complaint concerning Named Employee #1 (NE#1), a Parking Enforcement Officer (PEO). During a normal review of NE#1's work, NE#1's direct supervisor – referred to here as Supervisor #1 – identified that NE#1 issued no citations over a three-shift period in December 2020. While no quota was required for PEOs, Supervisor #1 thought that it was abnormal for no citations to be issued over three days. Supervisor #1 discussed the matter with NE#1. At a later point, when again assessing NE#1's work, Supervisor #1 noticed that NE#1 issued nine warnings and created but later voided six citations to the same vehicle. Supervisor #1 further determined that the GPS for NE#1's vehicle did not match the location for the citations and that there were no photographs accompanying the citations, which was very abnormal. Another supervisor – who is the Complainant in this case – reviewed the assessment and agreed that the anomalies were concerning. The Complainant also noticed that, along with the multiple citations issued to the same vehicle and the lack of photographic documentation, NE#1 had long periods of inactivity during his shifts. The Complainant noted that the mother of NE#1's children had previously informed the Department that NE#1 worked a night job, and that this outside employment might be affecting his productivity. The Complainant also noted that NE#1 often had a virtual zero balance for leave (meaning that he used virtually all of his leave at any given time). The Complainant referred this matter to OPA, and an investigation ensued.



OPA reviewed the 15 abnormal citations. OPA determined that they were all issued to the same vehicle and that the registered owner of that vehicle was the mother of NE#1's children.

OPA also analyzed the spreadsheet compiled by Supervisor #1. Like Supervisor #1, OPA identified numerous incidences of citations where NE#1 was not at the location of the offense per his GPS. OPA also identified long periods of inactivity during multiple shifts. OPA analysis is set forth fully in the Report of Investigation.

OPA interviewed NE#1 twice in depth about his actions and citation history. After going through multiple records, NE#1 ultimately admitted that he created 106 false records, including 18 involving the vehicle registered to the mother of his children. Among these records were voided citations and warnings. He explained that, in order to appear productive, he would create a record with a vehicle that was nearby him but would enter a common location in his sector where violations often occurred. When asked by OPA, he acknowledged that his conduct was dishonest, contrary to policy, and unprofessional, as well as constituted false reporting. Notably, the records he issued were all completed under penalty of perjury.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy

SPD Policy 5.001-POL-2 requires that employees adhere to laws, City policy, and Department policy. This allegation was added based on the possibility that NE#1's conduct rose to the level of perjury and fraud.

As a starting point, OPA notes that NE#1 signed the various records he generated under penalty of perjury. While he did not ultimately submit them to the Seattle Municipal Court, this does not change OPA's finding that his actions violated the law.

Moreover, the creation of false records to fabricate activity and thus seek an improper benefit from the city constitutes fraud. In this respect, NE#1 also acted contrary to law.

For these reasons, OPA recommends that this allegation be Sustained.

Recommended Finding: **Sustained**

Named Employee #1 - Allegation #2

5.001 - Standards and Duties 11. Employees Will Be Truthful and Complete in All Communication

SPD Policy 5.001-POL-11 requires Department employees to be truthful and complete in all communications.

NE#1's knowing and intentional creation of false records constituted dishonesty. Specifically, these records were neither truthful nor complete in any respect, even though they were required to be so. Notably, NE#1 himself admitted that he was dishonest when questioned by OPA.

As such, OPA recommends that this allegation be Sustained.



Recommended Finding: **Sustained**

Named Employee #1 - Allegation #3

5.001 - Standards and Duties 10. Employees Will 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.)

It is clear to OPA that creating 106 false records and signing them under penalty of perjury is unprofessional. Such conduct significantly undermines public trust and confidence both in NE#1 and his employer. Indeed, NE#1 recognized that this was the case.

Accordingly, OPA recommends that this allegation be Sustained.

Recommended Finding: **Sustained**

Named Employee #1 - Allegation #4

15.180 – Primary Investigations 5. Officers Shall Document all Primary Investigations on a Report

SPD Policy 15.180-POL-5 governs report writing by SPD employees. Relevant to this case, the policy requires that reports much be thorough, complete, and accurate.

The 106 reports that NE#1 generated here clearly did not meet these requirements. Indeed, they were knowingly inaccurate and, to make matters worse, submitted under penalty of perjury when they were false.

For these reasons, OPA recommends that this allegation be Sustained.

Recommended Finding: **Sustained**