



## CLOSED CASE SUMMARY

ISSUED DATE: DECEMBER 20, 2017

CASE NUMBER: 2017OPA-0634

### Allegations of Misconduct & Director’s Findings

**Named Employee #1**

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 9. Employees Shall Strive to be Professional at all Times	Sustained

***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 Named Employee #1 was unprofessional when she gave the Complainant a ticket.

### ANALYSIS AND CONCLUSIONS:

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

#### ***5.001 - Standards and Duties 9. Employees Shall Strive to be Professional at all Times***

On the date in question, the Complainant was sleeping in a parked vehicle when she was approached by Named Employee #1 (NE#1), who works for the Department as a Parking Enforcement Officer. The Complainant, who is a single mother currently experiencing homelessness, was living out of her vehicle. The Complainant stated that, on that day, she had gotten into the vehicle and tried to turn it on, but the battery was dead. She then fell asleep in the car. The Complainant claimed that NE#1 woke her up by banging on her window. The Complainant stated that NE#1 told her that she was in a “no parking” spot and told her to move her vehicle. The Complainant tried to explain herself to NE#1, but NE#1 would not listen. NE#1 refused to listen to the Complainant’s claim that she had been sleeping in the car and NE#1 asserted that the Complainant was, instead, passed out. NE#1 told the Complainant that she could have her car towed and told the Complainant to “get the hell out of here.” The Complainant characterized NE#1’s demeanor and statements as rude and unprofessional.

NE#1 denied yelling at the Complainant during their interaction, but stated that her voice was raised due to surrounding noise. NE#1 admitted telling the Complainant that it appeared as if she was on methadone and maybe she should not drive. NE#1 opined that this may not have been the best choice of words. NE#1 gave the Complainant a ticket, but told her that she would not have her vehicle towed.

Parking Enforcement vehicles are not equipped with ICV, so there is no video or audio recording of this incident.

SPD Policy 5.001-POL-9 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-9.) Even were I to find that there was insufficient evidence to establish that NE#1’s demeanor and tone were unprofessional and rude, her admitted statement accusing the Complainant of



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using drugs was, itself, in violation SPD policy. It was absolutely inappropriate and unnecessary to make such a statement in the context of issuing a ticket. Moreover, it was offensive to the Complainant. While I commend NE#1 for recognizing that her word choice was improper, it does not excuse her conduct. As such, I recommend that this allegation be Sustained.

Recommended Finding: **Sustained**