



CLOSED CASE SUMMARY

ISSUED DATE: SEPTEMBER 23, 2019

CASE NUMBER: 2019OPA-0224

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 (Unfounded)

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 acted unprofessionally towards her, including when he repeatedly accused her and the Subject of lying.

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the Office of Inspector General’s review and approval, believed that it could reach and issue recommended findings based solely on its intake investigation and without interviewing the Named Employee. As such, the Named Employee was not interviewed as part of this case.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

5.001 - Standards and Duties - 10. Employees Shall Strive to be Professional

Officers were dispatched to an open-line 911 call with a disturbance in the background. Officers first went to the upper unit and knocked on the door, but no one responded. The officers then knocked on the door of the lower-unit apartment. A male occupant – the Subject – opened the door, stepped outside, and quickly closed the door behind him. However, officers observed that there was a female – the Complainant – inside before the door closed.

When asked by the officers, the Subject denied that anyone was inside of the apartment. This was the case even though the officers confirmed that they saw the Complainant inside while the door was open. The officers asked the Subject to sit down and again knocked on the door. Based on the Subject’s conduct and the odor of alcohol on his person, the officers perceived that he was intoxicated. This time, the Complainant answered. Named Employee #1 (NE#1) asked the Complainant whether he could come inside of the residence to speak with her and she said that he could.



At that time, NE#1 entered the residence and spoke with the Complainant. He asked her if she or the Subject called the police and she denied that they did. NE#1 raised the fact that they were both potentially lying, mainly because of the Subject's earlier denial that the Complainant was in the residence that was a clearly false statement. The Complainant and the Subject mentioned that the Subject had been at a job interview. NE#1 asked, apparently incredulously, how the Subject could be going to a job interview when intoxicated. NE#1 continued to press both the Complainant and the Subject about their stories and regarding their denials that any domestic violence had occurred. NE#1 ultimately placed the Subject under arrest when it was determined that there was an active order of protection in which the Subject was the respondent and the Complainant was the protected party. Notably, both the Subject and the Complainant asserted that the order had been vacated, which was inaccurate.

The Complainant later alleged to OPA that NE#1 was unprofessional during his interaction with her and the Subject and this investigation ensued.

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." (*Id.*) Lastly, the policy instructs Department employees to "avoid unnecessary escalation of events even if those events do not end in reportable uses of force." (*Id.*)

When evaluating NE#1's professionalism during this incident, I note that NE#1 did not use profanity, did not raise his voice, and did not use any language that was contemptuous or derogatory. He did engage in a continued back and forth with the Complainant and Subject during which he contended that they were being dishonest, continually questioned them concerning the veracity of their accounts, and spoke in a jocular manner. Moreover, in OPA's perspective, NE#1, at times, was sarcastic.

The above being said, I conclude that NE#1's statements did not rise to the level of unprofessionalism. NE#1 was warranted in questioning the accounts provided by the Complainant and the Subject, particularly given that the Subject was dishonest with him immediately after NE#1 first made contact. Moreover, that NE#1 was laughing and making joking comments during the interaction also does not, standing alone, cause me to determine that he was unprofessional. This is the case even though, from OPA's review of the video, his statements bordered on mocking and unnecessary – for example, NE#1 repeatedly brought up the fact that the Subject's dog urinated on another officer's foot while the Complainant continually apologized. Ultimately, OPA finds that NE#1's conduct and statements did not violate the Department's professionalism policy and, as such, I recommend that this allegation be Not Sustained – Unfounded.

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