



CLOSED CASE SUMMARY

ISSUED DATE: DECEMBER 5, 2022

FROM: DIRECTOR GINO BETTS
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0177

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 5.001-POL 10. Employees Will Strive to be Professional	Not Sustained - Unfounded (Expedited)
# 2	15.180 - Primary Investigations 15.180-POL 5. Officers Shall Document all Primary Investigations on a Report	Not Sustained - Unfounded (Expedited)

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:

Named Employee #1 (NE#1) responded to an incident at the Complainant’s residence. The following day, NE#1 responded to another incident at the Complainant's residence. The Complainant alleged during those responses, NE#1 was dismissive and raised his voice at the Complainant. The Complainant also alleged NE#1 failed to properly document her daughter’s injuries.

ADMINISTRATIVE NOTE:

This case was designated an Expedited Investigation. That means OPA, with the Office of Inspector General’s review and approval, believed it could reach and issue recommended findings based solely on its intake investigation without interviewing the involved employees.

SUMMARY OF INVESTIGATION:

OPA reviewed the initial complaint, CAD call report, the general offense (GO)/incident report, and Body-Worn Video (BWV). Additionally, OPA interviewed the Complainant.

a. Computer Aided Dispatch (CAD)

OPA reviewed CAD reports for both incidents referenced by the Complainant. In both cases, the report stated the calls were cleared without arrest and NE#1 wrote a report.

The call remarks for the Complainant’s November 28, 2021, 911 call noted:

“RP’S 35 YO DAUGHTER IS IN CRISIS. SHE IS ACTING VERY ERRATIC RAMBLING AND TALKING TO HERSELF. DAUGHTR



HAS BEEN TREATED AT METHADONE CLINIC. DAUGHTR IS HERE WITH HER 10 MONTH OLD BABY. NO WPNS. RP IS NOT SURE IF SHE HAS TAKEN ANY NARC TODAY, BUT HAS BEEN A PROBLEM IN THE PAST."

The call remarks for the Complainant's November 29, 2021, 911 call noted:

"RP REQ CRISIS RESPONSE TEAM, GRANDMOTHER SAYS GRANDSON IS BEING NEGLECTED BY THE MOTHER. MOTHER OF CHILD USING DRUGS, AND SELF MUTILATING INFRONT OF THE CHILD."

b. Body-Worn Video (BWV)

OPA reviewed NE#1's BWVs from both encounters with the Complainant. Those BWVs showed:

a. November 28, 2021

Upon contact with NE#1, the Complainant stated she was going to place her grandson in her car. The Complainant admitted she did not have custody of the child, but insisted, "I'm the grandmother."

Away from the Complainant, NE#1 and officers discussed whether they could take custody of the child. They determined there was insufficient evidence the child required protective custody.

NE#1 relayed their determination to the Complainant. The Complainant later stated she suspected her daughter was on drugs or having a mental breakdown. The Complainant did not believe her daughter would self-harm. NE#1 explained he was unauthorized to force the Complainant's daughter to go to the hospital based on the information provided.

The Complainant warned that her daughter "presents very well." The Complainant asked NE#1, "If she says I can't have the baby, then what happens?" NE#1 explained if she appeared to be in crisis, he could request a mobile crisis team. NE#1 further explained the child's placement was up to the Complainant's daughter.

The Complainant replied, "Just leave then. I'll handle my own problems." The Complainant refused NE#1's offer to call the Mobile Crisis Team, saying "just let her be in crisis." NE#1 replied, "We're trying to get you the resources that you said she might need, but now you're declining them." The Complainant stated she would take care of it on her own.

b. November 29, 2021

NE#1 found the Complainant seated in her vehicle with the window cracked. The Complainant's daughter asked another officer to transport her to a homeless shelter. NE#1 consulted with the other officer. Both agreed the Complainant's daughter appeared rational and there was no legal justification to stop her from taking her child.

NE#1 reapproached the Complainant who was still in her car. He explained her daughter wished to take her child to a homeless shelter. NE#1 further explained he could not stop without legal justification. The Complainant gestured toward her arms and told NE#1 her daughter was self-mutilating. She also stated her daughter had a "psychiatric break." NE#1 again asked whether the Complainant had legal guardianship of the child. The Complainant stated she had an "old power of attorney." NE#1 explained that power of attorney is different from guardianship.



For several minutes, the Complainant argued with NE#1 about her rights to the child. During their conversation, NE#1 stepped away to radio for available Community Service Officers (CSOs). He approached the Complainant's daughter and asked whether she self-harmed. She denied drug use and self-harm, indicating another officer checked her arms. NE#1 asked the Complainant's daughter if she wanted a CSO to take her to a shelter. She said yes. BWV recorded the Complainant screaming from her vehicle. NE#1 approached the Complainant and suggested she was escalating the situation. The Complainant kept yelling at NE#1, then ordered him to go away. NE#1 stepped away.

While waiting for a CSO, the Complainant's neighbor arrived. The neighbor told NE#1 she pounded on their shared wall because she heard the Complainant's daughter incoherently screaming earlier that morning. The neighbor expressed concern for the child's well-being. However, the neighbor admitted she did not call 911 following the incident that morning.

Two CSOs arrived. The Complainant argued with officers and initially refused to allow the child to leave. The child was eventually placed in the CSOs' vehicle for transport to the South Precinct.

c. Named Employee #1's General Offense (GO) Incident Reports

OPA reviewed NE#1's Incident Reports for both responses. In the narrative for the November 28, 2021 incident, NE#1 described how the Complainant became upset after he pressed her for more information about her daughter's behavior. He described the Complainant as "agitated" and her communication as "sporadic." NE#1 also wrote, when he advised the Complainant of her daughter's parental rights she got upset and stated she would deal with the situation herself.

The narrative for the November 29, 2021 incident was consistent with BWVs. NE#1 noted the Complainant's grandchild was clean, well-fed, and uninjured. He also wrote the Complainant alleged her daughter was self-mutilating but did not specify how. NE#1 further noted the Complainant's daughter showed no obvious injuries and indicated no intention to self-harm.

NE#1 again described the Complainant's communication as "sporadic," writing, "when we walked away from the vehicle, she would roll down her window and scream at her daughter, and then roll the window back up."

d. OPA Interview of Complainant:

OPA interviewed the Complainant on June 14, 2022.

The Complainant's primary concern was "our police officers aren't able to look in someone's eye and clear tell that there's a problem."

The Complainant first interacted with NE#1 on November 28, 2021. During that encounter, an officer told her they could not guarantee her grandson would not be taken by child protection services. That statement "terrified" her, so the Complainant asked NE#1 to leave.

The following day, November 29, 2021, the Complainant requested a crisis response because she believed her grandson was being neglected. The Complainant locked herself and her grandson inside her car. She interacted with NE#1 through a cracked window. The Complainant stayed in the locked car due to fear NE#1 would punch her or



forcibly take her grandson.¹ She felt NE#1 failed to investigate because he did not recognize subtle cues, like the child not reacting to the Complainant's yelling. She further alleged NE#1 failed to properly document her daughter's self-harm. The Complainant's daughter cut above her knees, not her arms as NE#1 wrote in his report.

The Complainant was also displeased NE#1 failed to place her grandchild in her custody. Additionally, she stated NE#1 mischaracterized her as "sporadic," explaining NE#1 would ask her a question and walk away before she answered. She concluded NE#1 needed more training and empathy.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

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

The Complainant alleged NE#1 was unprofessional and dismissive.

SPD Policy 5.001-POL-10 requires SPD employees "strive to be professional." The policy instructs Department employees to "avoid unnecessary escalation of events even if those events do not end in reportable uses of force." *Id.* Furthermore, the policy states: "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.*

Here, after reviewing NE#1's interactions with the Complainant, OPA did not see NE#1 engage in contemptuous, derogatory, or dismissive behavior. After questioning the Complainant during their first interaction, NE#1 explained he did not have lawful authority to force her daughter to go to a hospital. That response upset the Complainant, so NE#1 offered to request additional services for her. While NE#1's assessment of the situation did not align with the Complainant's hoped outcome, NE#1 maintained a respectful tone and disposition.

The following day, NE#1 again explained he did not have lawful authority to take protective custody of the child. NE#1 only appeared to step away from the Complainant to speak with the Complainant's daughter and the neighbor. BWV showed NE#1 diligently investigated the Complainant's allegations, rather than dismiss and ignore her. The Complainant appeared to escalate the situation by repeatedly yelling at NE#1 and refusing to return the child to her daughter.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded (Expedited)

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

Named Employee #1 - Allegation #2

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

The Complainant alleged NE#1 failed to properly document her daughter's self-mutilation.

¹ The Complainant referenced a highly publicized incident where a SPD officer punched a woman. She stated she was 'clairvoyant' and she sensed NE#1 "had a very devious spirit." She further stated she locked herself in her car because she sensed NE#1's "negative energy."



SPD Policy 15.180-POL-5 requires officers to document all primary investigations on a General Offense Report. All reports must be “complete, thorough, and accurate.” SPD Policy 15.180-POL-5.

NE#1 completed General Offense Reports for both encounters with the Complainant. The Complainant alleged NE#1’s reports misstated her daughter’s self-harm injuries were on her arms, rather than her legs. OPA’s review of NE#1’s BWV showed the Complainant gestured to her arms as she described her daughter’s self-mutilation. NE#1’s incident report noted the Complainant’s daughter showed another officer her arms, which appeared uninjured. He further documented, the Complainant’s daughter denied self-harm or having thoughts of self-harm.

No evidence reviewed by OPA suggests NE#1 should have inquired about injuries to the Complainant’s daughter’s legs. NE#1 documented his interaction with the Complainant thoroughly and accurately. If the Complainant knew her daughter cut her legs, she did not make it known to NE#1.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded (Expedited)

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