



CLOSED CASE SUMMARY

ISSUED DATE: MAY 16, 2019

CASE NUMBER: 2018OPA-1150

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)

Named Employee #2

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 on December 2, 2018, Named Employee #1 exhibited an unprofessional attitude and yelled at the Complainant during a call for service. The Complainant further alleged that Named Employee #2 was rude and exhibited unprofessional behavior during another call for service involving the Complainant that occurred on June 23, 2018.

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 Employees. As such, the Named Employees were 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

The Complainant alleged that on December 2, 2018, Named Employee #1 (NE#1) exhibited an unprofessional attitude and yelled at the Complainant when NE#1 responded to a call for service. The Complainant’s call for service was as a follow up to an incident that the Complainant was involved in at the Home Depot the previous day. NE#1 and his partner were dispatched to the Complainant’s home. Following NE#1 and his partner’s visit to the Complainant’s home, the Complainant initiated a complaint concerning NE#1.

OPA interviewed the Complainant. In terms of his complaint about NE#1, the Complainant referred to NE#1 as a “punk.” The Complainant stated that NE#1 told him: “I know who you are. I have been dealing with you for four

years.” The Complainant told OPA that NE#1 could “deal blackjack at some casino” as he is “not going to be talked to like that.”

OPA reviewed the Body Worn Video (BWV) for this incident and found no evidence that NE#1 treated the Complainant unprofessionally or yelled at the Complainant. NE#1 was heard acknowledging that he has known the Complainant for years, but NE#1 did not use the specific language cited by the Complainant. The Complainant appeared frustrated about NE#1 not providing the contact phone number of the individuals involved in the incident at Home Depot from the previous day.

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.” 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.*)

The Complainant’s interaction with NE#1 was captured on BWV. The video establishes that the conduct alleged by the Complainant did not occur. Though the Complainant may have been frustrated that NE#1 did not provide him with information that the Complainant believed he had the right to receive, this did not constitute unprofessional conduct. Moreover, NE#1 did provide the Complainant with his business card and the report number associated with the previous day’s incident. Based on the evidence reviewed by OPA, it appears that NE#1 handled himself in a professional manner. As such, I recommend that this allegation be Not Sustained – Unfounded as against NE#1.

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

Named Employee #2 - Allegations #1

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

The Complainant alleged that on June 23, 2018, Named Employee #2 (NE#2) was rude and exhibited unprofessional behavior during a call for service. This allegation was added to this investigation after it was raised by the Complainant during his interview with OPA. The Complainant referred to NE#2 as the “last jerk,” and went on to explain that NE#2 told the Complainant that he had a “punk” or “buzz” haircut, which the Complainant thought was inappropriate and ridiculous. The Complainant stated that NE#2 was a “punk” who gave him “a bunch of crap” and berated him for not getting a report written by another officer in an earlier service call.

OPA reviewed the BWV of NE#2 and his partner from this incident and found no evidence that NE#2 treated the Complainant unprofessionally. OPA further found no indication that NE#2 made any comments about the Complainant’s appearance. OPA reviewed the discussion between NE#2 and the Complainant regarding the importance of the report, but that interaction did not appear to be unprofessional. NE#2 ultimately completed a written report pertaining to the property damage for which the Complainant called for police assistance.

As discussed above, the BWV of the interaction between NE#2 and the Complainant does not support the Complainant’s allegations. From the evidence reviewed by OPA, it appears that NE#2 handled himself in a professional manner. As such, I recommend that this allegation be Not Sustained – Unfounded as against NE#2.

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