



CLOSED CASE SUMMARY

ISSUED DATE: NOVEMBER 17, 2019

CASE NUMBER: 2019OPA-0294

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	12.050 - Criminal Justice Information Systems - 7. Employees Shall Not Discuss or Provide Information to Any Person Who Is Not a Member of the Criminal Justice System Without the Permission of the Chief of Police, or By Due Process of Law	Not Sustained (Unfounded)
# 2	15.400-Domestic Violence Court Orders - 4. Officers Will Serve Court Orders	Not Sustained (Lawful and Proper)

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 an unknown SPD officer shared private information concerning her and her daughter with the parents of another child and that this information was later included in an order of protection filed against the Complainant’s daughter. The Complainant further alleged that the order was never served on either her or her daughter.

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.

In addition, the allegations in this case were alleged against an unknown SPD employee. As such, the 180-day period set forth in the collective bargaining agreements with the police unions was inapplicable. However, for administrative purposes, the 180-day deadline was set as the date of this DCM.

Lastly, in some of her submissions, the Complainant asserted her belief that she was provided unclear information from SPD employees who she spoke to and that she felt that she was given the runaround. OPA was unable to confirm or deny that this occurred during its investigation. However, even if the Complainant was given unclear information from SPD sources, this would not have constituted actionable misconduct and was, thus, not addressed during this investigation.



ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

12.050 - Criminal Justice Information Systems - 7. Employees Shall Not Discuss or Provide Information to Any Person...

On February 28, 2019, the Complainant's daughter was involved in an altercation with a male student while at school. SPD officers responded to the scene of the altercation. The incident was also investigated by a detective. The detective reviewed video from the school's security cameras and verified that the male student did strike the Complainant's daughter.

The parents of the male student later sought and obtained an order of protection against the Complainant's daughter (a judge later extended the order to also protect the Complainant's daughter from the male student). However, the Complainant alleged that neither she nor the daughter were served with the order. The Complainant also alleged that, when she later appeared in court concerning the order, the male student's parents had documents containing personal information about the Complainant and her daughter. The Complainant was concerned that this personal information, which allegedly included her home address, was disclosed to the male student's parents by an unknown SPD employee contrary to policy. She asserted that disclosure of this information put her daughter at risk. The Complainant filed a complaint with OPA concerning the above, and this investigation ensued.

As part of its investigation, OPA obtained the order at issue, as well as the associated return of service. The order included the following information about the Complainant's daughter: a physical description; her date of birth; and a phone number. Based on OPA's experience reviewing such orders, this is information that is commonly contained therein. The order did not include the Complainant's home address and that field was left blank. OPA also obtained and reviewed the return of service. The return of service indicated that the order was served on the Complainant's daughter in person by an SPD Detective. The return of service described the street address at which the order was served, as well as the time of service. The return of service did not identify the service location as the Complainant's daughter's home address.

OPA additionally obtained the CAD Call Report associated with this incident. The CAD indicated that, on the date of service, a Detective logged as having served the Complainant's daughter with the order. Moreover, the CAD indicated that, after service was effectuated, the Complainant's daughter received a courtesy transport to the school to pick up her belongings. The call was then cleared by the Detective. The CAD also did not specifically identify the Complainant's home address.

SPD Policy 12.050-POL-7 states that employees shall not discuss or provide information to any person who is not a member of the criminal justice system.

OPA's investigation did not substantiate the Complainant's allegation that an unknown SPD employee disclosed her and her daughter's personal information, including her home address and identifying information concerning her daughter. OPA determined that the type of information contained in the order, including the birth date for and description of the Complainant's daughter, was publicly available information and the type of information typically included in protection orders. There was no evidence that this information was disclosed to the parents of the male student by SPD officers. Moreover, the information in the return of service, including the address of service, was required to be included in that document. Notably, officers completing a return of service must state the date, time, and street address of service, as this information is considered legally sufficient to prove proper service to the court.



Lastly, even if the return of service included the Complainant's home address, as with the other information in the order, this was publicly available information.

As such, there was no indication that SPD officers disclosed protected information concerning the Complainant's daughter to any other person, including to the parents of the male student. Accordingly, I recommend that this allegation be Not Sustained – Unfounded.

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

Named Employee #1 - Allegation #2

15.400-Domestic Violence Court Orders - 4. Officers Will Serve Court Orders

The Complainant asserted that neither she nor her daughter were served with the protection order.

SPD Policy 15.400-POL-4 states that officers assigned to the Domestic Violence Unit and patrol officers will serve court orders.

As discussed above, the return of service and the CAD Call Report both confirmed that a detective did, in fact, serve the order on the Complainant's daughter and, thus, complied with this policy. Given this, OPA recommends that this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained (Lawful and Proper)**