



## CLOSED CASE SUMMARY

ISSUED DATE: MARCH 4, 2022  
  
FROM: INTERIM DIRECTOR GRÁINNE PERKINS  
OFFICE OF POLICE ACCOUNTABILITY  
  
CASE NUMBER: 2021OPA-0333

### 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	Sustained
Imposed Discipline		
Written Reprimand		

***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:

OPA alleged that Named Employee #1 (NE#1) violated the Department’s professionalism policy when he interacted with the Subject by, among other things, referring to the Subject as a “jackass.”

### ANALYSIS AND CONCLUSIONS:

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

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

It was alleged that NE#1 was unprofessional.

SPD Policy 5.001-POL-10 requires that SPD employees “strive to be professional.” The policy further instructs that “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers” whether on or off duty. (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.*)

During the course of screening this incident regarding an unrelated allegation, OPA self-initiated this investigation based on review of NE#1’s BWV.

The underlying facts of this incident are captured on NE#1’s BWV and not in dispute. NE#1 and other SPD officers responded to a reported theft from a retail store. The suspect (Subject) was apprehended after he was identified as the suspect by a store employee. After he was apprehended, SPD officers questioned the Subject about the alleged



theft while the Subject, store employee, and officers were standing on a busy, public sidewalk during daylight. During this questioning, NE#1 approached the Subject and told him to turn around and face a nearby window. While placing his hand at the juncture of the Subject's neck and right shoulder, NE#1 began speaking to the Subject, stating:

Turn around and face the window. See the person...look at the person in the window. That's the worst kind of thief. Now you can turn back this way. Jesus Christ [Subject's name]. You freaking get caught, you get caught. Why be a jackass about it? Why? Because that's what you do all day, everyday, steal, steal, steal, take, take, take. Pathetic. You're pathetic.

A short time later, as the Subject sat on the sidewalk and appeared to be crying, NE#1 said to the Subject:

What are you crying for? [Subject's name]. You were talking so tough an hour and a half ago, and now you're crying. Well, actually, you're not really crying because you don't have any tears.

During his OPA interview, NE#1 explained his interaction with the Subject as:

want[ing] him to take a look in the mirror at himself, and I also asked him a question describing his behavior of being jackass-ish. It's not saying "[Subject's name], you're a jackass," it's, "[Subject's name], why do you have to be a jackass about this?" I think there's a big difference in that.

NE#1 described this as part of his "style of police work" where NE#1 "confront[s] people" in order to "hold them accountable." NE#1 stated that individuals he has used this technique with come back to NE#1 and thank him. During his OPA interview, NE#1 denied that his behavior constituted a policy violation and stated "I will continue to do that . . . I don't apologize for it either and I will not because it works and it's effective. And I'm not disrespecting him; I'm disrespecting his behavior, and I expect change from everybody."

OPA does not doubt that NE#1 sincerely and unapologetically believes that the approach he took in this incident is effective. But it was unprofessional and outside of policy. The words NE#1 used and the way he spoke to the Subject were "derogatory, contemptuous, [and] disrespectful." Even if there may be some distinction in some circumstances between disrespecting a person and disrespecting a specific behavior, the facts indicate that NE#1's approach in this situation was to humiliate the Subject, not call out his behavior. Specifically, on a busy public sidewalk, in broad daylight, NE#1 forced the Subject to look at his reflection in a window, called him "the worst kind of thief," stated the Subject was being a "jackass," called the Subject "pathetic," and then, shortly thereafter, taunted the Subject for crying by saying "you were talking so tough an hour and a half ago, and now you're crying" and "actually, you're not really crying because you don't have any tears."

Accordingly, OPA recommends that this allegation be Sustained.

Recommended Finding: **Sustained**