




## CLOSED CASE SUMMARY

ISSUED DATE: MAY 12, 2023

FROM: DIRECTOR GINO BETTS   
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0147

### 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	Sustained
#2	5.125 - Social Media 5.125-POL 2 - Employee Personal Use of Social Media 1. Employees Shall Not Post Speech That Negatively Impacts the Department’s Ability to Serve the Public	Sustained
<b>Proposed Discipline</b>		
Twenty-Five (25) Days Suspension to Termination		
<b>Imposed Discipline</b>		
Suspension of 270 Hours		

***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.***

#### **ADMINISTRATIVE NOTE ON PROPOSED FINDINGS:**

*When the OPA Director recommends a sustained finding for one or more allegations, a discipline committee, including the named employee’s chain of command and the department’s human resources representative, convenes and may propose a range of disciplinary to the Chief of Police. While OPA is part of the discipline committee, the Chief of Police decides the imposed discipline, if any. See OPA Internal Operations and Training Manual section 7.3 – Sustained Findings.*

#### **EXECUTIVE SUMMARY:**

The Named Employee (NE#1) allegedly acted unprofessionally by repeatedly and unwelcomely contacting the Complainant on social media.

#### **SUMMARY OF INVESTIGATION:**

On May 11, 2022, the Complainant made an online OPA complaint against NE#1. OPA initiated an investigation. That investigation included reviewing the OPA complaint, BWV, GO/incident report, screenshots, and a CAD call report. OPA also interviewed the Complainant and NE#1. Evidence summaries are below:<sup>1</sup>

<sup>1</sup> Evidence is summarized as presented to OPA. OPA’s assessment of the evidence is captured in the ‘Analysis and Conclusions’ section.



---

*OPA complaint*

The Complainant's OPA complaint outlined her contacts with NE#1. On November 18, 2021 around 6:00 PM, NE#1 and his partner responded to the Complainant and her boyfriend's 911 call involving her boyfriend's ex-girlfriend. The officers took their statements. The Complainant also mentioned to NE#1 she ordered 8oz burgers from UberEATS, which she expected to soon arrive. The officers documented the caller and Complainant's names, birthdates, and phone numbers. They also discussed best options for addressing the underlying 911 call. About two hours later, NE#1 requested to follow the Complainant on Instagram. Not realizing that request was from the officer who recently responded to her 911 call, the Complainant accepted the request. At 9:58 PM, NE#1 directed messaged the Complainant's Instagram account. The next morning, the Complainant saw the messages: "I feel bad for following you considering I was just talking to you at my job ????" and "And you know my ex gf from a million years ago." The Complainant responded, "I'm sorry, who is this?" NE#1 identified himself as the officer who responded to the Complainant's 911 call. She asked why NE#1 messaged her. He replied, "Just thought it was a small world because you know my ex." The Complainant had no prior knowledge of NE#1 or mutual acquaintances. On May 6, 2022, using a different Instagram name, NE#1 requested to follow the Complainant. She did not respond. The Complainant felt "extremely violated by (the) situation. An officer of the law, who's job is to serve and protect, came into (her) partners home to follow up on a harassment report, just to use (her) personal information to track (her) down and contact (her) in an inappropriate way. He blatantly violated the code of conduct."

*CAD call report*

On November 18, 2021 at 5:22 PM, a male caller reported harassment to a 911 dispatcher. Specifically, the caller reported his ex-girlfriend (the Subject) "continuously calling<sup>2</sup>" him. The caller also reported the Subject unexpectedly showing up to his house on November 16, 2021. The caller did not report threats or weapons involved.

*GO/Incident report<sup>3</sup>*

NE#1 and Witness Employee #1 (WE#1), his partner, responded to the caller's house. The caller brought the officers inside his home. The Complainant, the caller's current girlfriend, was there. The caller reportedly started dating the Subject in December 2018. They dated for four months. He thought the breakup was amicable, but she randomly and persistently called, texted, and showed up at his home. The caller blocked the Subject's number, but she used other numbers to contact him. She contacted the caller "multiple times a day on and off for months." Further, the Subject contacted the caller and the Complainant on social media, including harassing messages to the Complainant and the Complainant's family and friends. The caller had no proof the Subject was responsible for the volume of texts and calls, but the "style and verbiage of text messages" strongly suggested it was her. The caller believed the Subject left an empty box at his doorstep. The caller installed a Ring camera in response. The caller also planned to get "an anti harassment order against (the Subject)." Officers left the caller with a domestic violence pamphlet and a business card with WE#1's name and serial and case numbers. Officers also collected screenshots of the caller's phone.

*NE#1's BWV*

The caller met NE#1 and WE#1 outside and invited them inside his home. The Complainant was inside. The caller gave an overview of issues with the Subject consistent with the GO report. The caller and Complainant primarily spoke with WE#1, both explaining their issues with the Subject. NE#1 appeared to notice something outside and stepped toward the open doorway. The Complainant explained she ordered UberEATS. The group laughed about NE#1 apparently suspecting the Subject was outside. NE#1 told the caller and Complainant how to get an anti-harassment order and

---

<sup>2</sup> The caller stated the Subject last called eight minutes prior to him calling 911.

<sup>3</sup> WE#1 wrote the report.



what to do “in the meantime.” The caller allowed WE#1 to screenshot items on his phone. NE#1 retrieved a domestic violence pamphlet from the patrol car and reentered the caller’s home. NE#1 reiterated the caller and Complainant’s options for dealing with the Subject. NE#1 asked the Complainant for her contact information. The Complainant provided her information, as NE#1 wrote on a notepad.

#### *Screenshots*

The Complainant sent OPA screenshots of NE#1’s Instagram contacts with her. Two photos are from NE#1’s initial Instagram account: Photo 1) shows the username with several photos of NE#1 below, and Photo 2) shows the Complainant’s direct message conversation with that account.<sup>4</sup> A third photo shows a follow request from a private Instagram account with a different username, but NE#1’s profile picture. Both accounts listed “Zazu” under the profile picture. Further, both usernames were derivatives of the same name.

#### *Complainant’s OPA interview*

On May 25, 2022, OPA interviewed the Complainant. She recounted NE#1 and WE#1’s November 18, 2021, response to her and her boyfriend’s 911 call. There was nothing abnormal about either officer’s on-scene behavior. The next morning, the Complainant saw an Instagram follow request and direct message from NE#1. She thought it was “very odd” and “unprofessional and an abuse of (NE#1’s) law enforcement authority.” The Complainant’s initial correspondence with NE#1 was as follows:

- *NE#1: I feel bad following you considering I was just talking to you at my job 😂😂*
- *NE#1: And you know my ex from a million years ago.*
- *The Complainant: I’m sorry, who are you?*
- *NE#1: I’m the cop that came to your bf house yesterday. Right before you got 8oz burger delivered.*
- *The Complainant: Okay, why are you messaging me?*
- *NE#1: Just thought it was a small world because you know my ex.*

The Complainant blocked NE#1’s Instagram account. She denied knowing NE#1 prior to November 18, 2021, or his girlfriend. The Complainant was unsure how to handle the situation but decided against making a complaint because she thought blocking NE#1 resolved the matter. She questioned whether NE#1 used his law enforcement position to pursue other women, making them as uncomfortable as the Complainant felt. On May 20, 2022, the Complainant got an Instagram follow request from a different username. She saw several photos of NE#1, ignored the request, and again blocked NE#1’s account. The Complainant thought NE#1’s actions violated public trust.

#### *NE#1’s OPA interview*

On August 18, 2022, OPA interviewed NE#1.<sup>5</sup> NE#1 served the Department for almost two years. He recalled responding to a situation involving the caller and the Subject. The Complainant, who was on-scene, was listed as a witness. NE#1 thought the Complainant looked familiar. After clearing the call, NE#1 searched his ex-girlfriend’s Instagram friends and saw the Complainant’s account. NE#1 claimed the Complainant and his ex-girlfriend “used to hang out.” NE#1 never met the Complainant prior to November 18, 2021 but recognized her name. He admittedly sent the November 18, 2021, Instagram direct messages to the Complainant. Explaining his initial message (“I feel bad following you considering I was just talking to you at my job 😂😂”), NE#1 stated: “I was just trying to be forthcoming. I am a police officer who just responded to their house, and I was just trying to be upfront about who I was. I didn’t

<sup>4</sup> While the photo does not capture the date of the conversation, it does show it was sent at 9:58 PM. The Complainant told OPA NE#1 initially direct messaged her on November 18, 2021, at 9:58 PM.

<sup>5</sup> NE#1’s union representative was present.



want it to be weird. I was trying to make it the least creepy and the least weird I could possibly make it.” When asked whether he thought messaging the Complainant was creepy, NE#1 replied, “I don’t think it was creepy, I was trying to keep it from being creepy as much as possible.” When asked whether he thought the Complainant would find his unsolicited contact creepy, NE#1 said, “I mean, yes, that’s why I was forthcoming.” NE#1 only contacted the Complainant “Just to see if that was the person. I don’t really care to know her or to get to know her. I am a communal person, so hey, one more person I know or kind of know, that’s fine.” NE#1 did not recall the Complainant blocking him on Instagram. Although, he admittedly re-attempted to follow her using another username. NE#1 explained the second follow attempt:

*I was just going through people that I know on Instagram. Kind of accepting just random people. Well not random people, people I do know. She popped up again and it completely slipped my mind that I already received an OPA complainant from her. Once I realized who it was, I went ‘Oh shit’ and I rescinded the friend request.*

NE#1 acknowledged it was unprofessional to reach out to the Complainant on a personal level. He also acknowledged getting social media training from the SPD Training Digest and post-BLEA, which covered workplace social media use.

#### **ANALYSIS AND CONCLUSIONS:**

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

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

SPD Policy 5.001-POL-10 requires employees “strive to be professional at all times.” Specifically, “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers.” SPD Policy 5.001-POL-10.

Here, NE#1 responded to a call where the Complainant and her boyfriend were reportedly harassment victims. NE#1 collected the Complainant’s personally identifiable information. He claimed to recognize the Complainant’s name as his ex-girlfriend’s former friend. To confirm the Complainant’s familiarity with his ex-girlfriend, NE#1 allegedly searched his ex-girlfriend’s Instagram friend list and saw the Complainant’s profile. While NE#1 told OPA he was merely curious about whether the Complainant knew his ex-girlfriend, at no point during his roughly 40-minute on-scene did he simply ask her. Instead, in the shadows, outside the presence of the Complainant’s boyfriend and WE#1, NE#1 sheepishly crept into the Complainant’s Instagram direct messages. OPA finds NE#1’s opening line and accompanying emojis evidenced his questionable intent: “I feel bad following you considering I was just talking to you at my job 🤔 😅.” If NE#1 had pure motives, it is unclear why he “(felt) bad following (the Complainant)” and used a grinning face with sweat emoji, indicating nervousness.

Further, after the Complainant expressed disinterest in socializing with NE#1 by questioning “why are you messaging me?” and blocking him, NE#1 nevertheless persisted. Months later, on May 6, 2022, under a different account, NE#1 again sent the Complainant an Instagram follow request. NE#1 told OPA the second request was accidentally sent. He also claimed to immediately rescind that request once he realized it was sent to the Complainant, who had an open OPA complainant against him. However, OPA’s Notice of Complaint was sent on May 15, 2022, nine days after NE#1’s second attempt to follow the Complainant. Moreover, while NE#1 told OPA he was uninterested in connecting with the Complainant (“I don’t really care to know her or to get to know her.”), he clearly took significant measures to engage with her.



---

Overall, NE#1's behavior undoubtedly undermined public trust in the Department, himself, and other officers. Knowing the Complainant was reportedly a harassment victim, NE#1 relentlessly pursued and harassed her via social media. The Complainant thought NE#1 abused his position, causing her discomfort and distrust in the Department. OPA concurs.

Accordingly, OPA recommends a Sustained finding for this allegation.

Recommended Finding: **Sustained**

**Named Employee #1 - Allegation #2**

***5.125 - Social Media 5.125-POL 2 - Employee Personal Use of Social Media 1. Employees Shall Not Post Speech That Negatively Impacts the Department's Ability to Serve the Public***

Employees may express themselves as private citizens on social media sites but may not make, share, or comment in support of any posting that includes harassment<sup>6</sup> or otherwise violate SPD policy. See SPD Manual 5.125-POL 2.

As outlined in the analysis of Named Employee #1 - Allegation #1, NE#1's actions constituted harassment and violated SPD's professionalism policy.

Accordingly, OPA recommends a Sustained finding for this allegation.

Recommended Finding: **Sustained**

---

<sup>6</sup>Harassment: Words, conduct, or action (usu. repeated or persistent) that, being directed at a specific person, annoys, alarms, or causes substantial emotional distress to that person and serves no legitimate purpose. Black's Law Dictionary (11th ed. 2019).