



## CLOSED CASE SUMMARY

ISSUED DATE:      JANUARY 18, 2019

CASE NUMBER:     2018OPA-0698

### 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
# 2	12.050 - Criminal Justice Information Systems 2. Inquiries Through ACCESS, or Any Other Criminal Justice Record System, Are Only to Be Made for Legitimate Law Enforcement Purposes	Not Sustained (Unfounded)
# 3	5.001 - Standards and Duties 13. Employees Shall Not Use Their Position or Authority for Personal Gain	Not Sustained (Training Referral)

**Imposed Discipline**

Oral 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:

The Complainant alleged that the Named Employee, with whom he was formerly involved in a dating relationship, showed Department documents to the Complainant’s brother in order to negatively affect the Complainant’s relationship with a new girlfriend.

### ANALYSIS AND CONCLUSIONS:

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

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

The Complainant, an SPD officer, was involved in a dating relationship with Named Employee #1 (NE#1). The relationship ended and the Complainant began dating another SPD employee. The Complainant told OPA that NE#1 did not approve of this relationship. The Complainant contended that NE#1, who remained close to his family, showed his brother a screenshot of a MDT message that had been sent by the Complainant’s girlfriend. In the message, the girlfriend said that she did not go to the Complainant’s family events. The Complainant asserted that NE#1 told his brother that the message showed that the relationship between the Complainant and his girlfriend was not working out and that the family should not support it.

OPA interviewed NE#1. She admitted taking screenshots of the MDT messages and showing them to the Complainant’s brother. When asked what she hoped to accomplish by doing this, NE#1 stated that the Complainant’s sister-in-law had questions as to whether the girlfriend was “trustworthy” and this was more



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complete information for her to have to make her decision. NE#1 asserted that the MDT messages showed that the girlfriend was a “liar” and that her conversations with the Complainant’s family had been “fake.”

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.” (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.*)

I find that NE#1’s actions in this case were unprofessional. It is undisputed that she took MDT screenshots, which she only had ready access to given her employment with the Department, and shared them with the Complainant’s family members in order to negatively affect their perception of her ex-partner’s new girlfriend. Even if NE#1 had good motives, as she contends, it was inappropriate to use Department documents to potentially undermine the personal relationship of another officer. This conduct reflected poorly both on NE#1 and the Department.

For the above reasons, I recommend that this allegation be Sustained.

Recommended Finding: **Sustained**

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

***12.050 - Criminal Justice Information Systems 2. Inquiries Through ACCESS, or Any Other Criminal Justice Record System, Are Only to Be Made for Legitimate Law Enforcement Purposes***

SPD Policy 12.050-POL-2 states that: “Inquiries through ACCESS, or any other criminal justice record system, are only to be made for legitimate law enforcement purposes.”

At her OPA interview, NE#1 contended that this policy was inapplicable to this case as her search for messages within the MDT system did not constitute an inquiry through ACCESS or a criminal justice record system. She further contended that the messages she accessed did not contain any protected information and were, in fact, publicly available.

I agree with NE#1’s argument and find this policy inapplicable to her conduct. As such, I recommend that this allegation be Not Sustained – Unfounded.

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

**Named Employee #1 - Allegation #3**

***5.001 - Standards and Duties 13. Employees Shall Not Use Their Position or Authority for Personal Gain***

SPD employees are prohibited from using their position or authority for personal gain. (SPD Policy 5.001-POL-13.) The Complainant contended that NE#1 violated this policy when she used her access to the MDT system to pull the girlfriend’s messages and then showed them to the Complainant’s brother. The Complainant noted that the MDT system was only readily available to the Complainant given her status as a police officer.



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NE#1 asserted that she had nothing to personally gain from showing the messages to the Complainant's brother. She further stated that, as discussed above, that the records she accessed were available to the public and, as such, she did not receive any special privileges or access to documents that the general public would not have had.

While the MDT messages would have been available pursuant to a public records request, that request would have taken time to complete and would have been associated with a cost, even if nominal. Here, because NE#1 accessed the documents herself, she obtained them immediately and did not pay a fee. As such, she benefited personally when she used her Department access to the documents. Moreover, from OPA's review of the record, it did appear that NE#1 received a personal gain from showing the MDT messages to the Complainant's brother. Most notably, she sought to convince them that the girlfriend was a liar and could not be trusted, thus undermining the relationship.

Given the above, I find that NE#1's conduct was contrary to the requirements of this policy. However, I find that her behavior is already captured by the Sustained finding in Allegation #1. As such, I find it unnecessary and duplicative to also sustain this allegation. Instead, I recommend that NE#1 receive a Training Referral.

- **Training Referral:** NE#1 should be retrained on the requirements of SPD Policy 5.001-POL-13. She should be counseled concerning how her behavior in this incident violated this policy, as well as the Department's expectations of her conduct. She should be instructed to avoid such conduct in the future. This retraining and associated counseling should be documented and this documentation should be maintained in an appropriate database.

Recommended Finding: **Not Sustained (Training Referral)**