



## **CLOSED CASE SUMMARY**

ISSUED DATE: NOVEMBER 8, 2019

CASE NUMBER: 2019OPA-0338

### **Allegations of Misconduct & Director’s Findings**

**Named Employee #1**

<b>Allegation(s):</b>		<b>Director’s Findings</b>
# 1	5.140 - Bias-Free Policing - 2. Officers Will Not Engage in Bias-Based Policing	Not Sustained (Unfounded)
# 2	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 reported receiving a rude and sexist voicemail from the Named Employee.

#### **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 Employee. As such, the Named Employee was not interviewed as part of this case.

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

##### **Named Employee #1 - Allegations #1**

##### ***5.140 - Bias-Free Policing - 2. Officers Will Not Engage in Bias-Based Policing***

The Complainant’s wife was involved in a traffic collision on May 14, 2019. At that time, the Complainant’s wife did not provide her contact and insurance information to the other driver because she was “scared.” As a result, the involved parties waited for nearly four hours before exchanging information. During this time, the other driver (who was a female) called the Complainant concerning his wife’s failure to provide her information. The Complainant recalled that the conversation was “heated.” The Complainant asserted that he told the other driver that his wife was being inconvenienced by this incident as well and that they needed to wait for the police to respond prior to his wife providing her information. The Complainant told OPA that the other driver accused him of yelling at her.

The complainant stated that he and his wife later received a voicemail from Named Employee #1 (NE#1). In that voicemail, NE#1 informed them several times that the Complainant’s wife was required to provide her identification at the scene of the collision, as well as explained that the failure to do so could be viewed as a hit and run. NE#1 further stated on the voicemail that it was not appropriate for the Complainant to have yelled at the other driver. The Complainant alleged to OPA that this voicemail was sexist and unprofessional. While the Complainant was



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unsure of NE#1's gender (NE#1 is female), he stated that, if NE#1 was a man, NE#1 was sexist towards his wife for believing the other driver and, if NE#1 was a woman, NE#1 was sexist towards him for believing the other driver.

As part of its investigation, OPA listened to the voicemail. Based on that review, OPA finds that there is no evidence supporting the conclusion that the voicemail was sexist. NE#1 correctly explained that the Complainant's wife was required by law to provide her information at the scene of the collision. Moreover, it was not sexist to instruct the Complainant not to yell at the other driver.

For these reasons, I find the Complainant's allegation of bias to be unsubstantiated and, as such, I recommend that this allegation be Not Sustained – Unfounded.

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

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

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

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.*)

Based on OPA's review of the voicemail, there is no basis to conclude that NE#1 was unprofessional towards the Complainant. To the contrary, the voicemail appeared to have been appropriate and relayed information that was consistent with law. Notably, NE#1 did not raise her voice during the voicemail or use any disparaging, rude, or derogatory language. As such, I recommend that this allegation be Not Sustained – Unfounded.

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