



## CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 29, 2020

CASE NUMBER: 2019OPA-0738

### **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	Not Sustained (Unfounded)

#### **Named Employee #2**

Allegation(s):		Director's Findings
# 1	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 alleged that the Named Employees were unprofessional towards her.

### **ANALYSIS AND CONCLUSIONS:**

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

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

The Complainant was admitted to a hospital for treatment of ongoing mental health issues. Upon her release, she returned to her residence. She determined that the locks had been changed and that her property was in the front yard. At that time, she made the decision to enter the residence through a basement window. When she did so, she accessed another resident's apartment. That resident pepper sprayed the Complainant. The Complainant then called the police.

Named Employee #1 (NE#1) and Named Employee #2 (NE#2) arrived on scene. The Complainant disclosed the above facts to NE#1. NE#2 went to speak with the other residents. The first individual contacted by NE#2 said that they did not pepper spray the Complainant. The second individual, who NE#1 also spoke with, confirmed that they pepper sprayed the Complainant when she came through the bedroom window.

NE#1 returned to where the Complainant was sitting and told her that, under the circumstances, he was not going to arrest the individual who used the pepper spray. He explained that this was because the individual believed at the time that the Complainant was a potential burglar. The Complainant informed NE#1 that she was having thoughts of harming herself and the roommates because they were making her angry. NE#1 confirmed that she was suicidal and told her that he was obligated to involuntarily detain her so that she could be treated at a hospital. NE#1 also advised her of her rights as a tenant and the requirements her landlord had to take to legally evict her.



NE#1 continued to speak with the Complainant about her living situation, her suicidality, and the involuntary treatment. During that conversation, the Complainant referenced what the other residents were saying to NE#2. NE#1 told her to ignore them. He also said to the Complainant: “you know what, you let a lot of stuff get to you and you should just let it slide.” The Complainant told NE#1 not to blame her and not to gaslight her. She informed NE#1 that she suffered from PTSD and traumatic brain injuries. NE#1 repeated that she could not control what other people said about her. She referenced “gangstalking.” NE#2 then exited the house and asked the Complainant about a broken humidifier. The Complainant admitted breaking the humidifier but said that it was in her room and that ownership could not be proven.

AMR arrived and the Named Employees walked the Complainant to the ambulance. She told the officers that she wanted to get a bag from the residence and her medicine. NE#2 went to look for the bag but she could not locate it. She informed the Complainant of this and the Complainant grew upset. The Complainant alleged that the bag may have been stolen. The Named Employees told her that she would have to deal with it when she was released from the hospital. The Complainant was then transported from the scene.

The Complainant later filed this complaint with OPA. She alleged that the Named Employees treated her unprofessionally during this incident. Specifically, she pointed to NE#1’s telling her to not let things get to her and the Named Employees’ failure to recover her bag as having violated policy. This investigation ensued.

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 Body Worn Video, which fully captured this incident, OPA concludes that the Named Employees did not act unprofessionally towards the Complainant. First, throughout this incident, NE#1 tried to empathize with the Complainant and to hear what she was saying. NE#1 told her to ignore her roommates because the Complainant asserted that she felt that they were conspiring against her. He further told her to try to not let things get to her and to let things slide because he appeared genuinely concerned with the Complainant’s reaction to what was going on and her suicidality. He was clearly not trying to victim blame her or to diminish what she was feeling. Second, NE#2 looked for the bag in good faith, including searching the residence, but could not find it. Under the circumstances and given that the Complainant was already in the ambulance and had been involuntarily detained, it would not have been appropriate to let the Complainant re-enter the residence. This was particularly the case given her earlier statements that she was thinking about harming herself and the other residents.

For the above reasons, OPA finds that the Named Employees acted professionally during this incident. As such, OPA recommends that this allegation be Not Sustained – Unfounded as against both NE#1 and NE#2.

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



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**Named Employee #2 - Allegations #1**

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

For the same reason as stated above (see Named Employee #1, Allegation #1), OPA recommends that this allegation be Not Sustained – Unfounded.

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