



## CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 7, 2020

CASE NUMBER: 2019OPA-0878

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

#### **Named Employee #1**

Allegation(s):		Director's Findings
# 1	5.001 – Standard and Duties 10. Employees Shall Strive to Be Professional	Not Sustained (Unfounded)

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

Allegation(s):		Director's Findings
# 1	5.001 – Standard and Duties 10. Employees Shall Strive to Be Professional	Not Sustained (Unfounded)

#### **Named Employee #3**

Allegation(s):		Director's Findings
# 1	5.001 – Standard 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 treated her unprofessionally during responses to her home.

### **ADMINISTRATIVE NOTE:**

This case was designated as an Expedited Investigation. This means that OPA, with the review and approval of the Office of Inspector General for Public Safety, believed that it could reach and issue recommended findings based solely on its intake investigation and without interviewing the Named Employees. As such, the Named Employees were not interviewed as part of this case.

### **ANALYSIS AND CONCLUSIONS:**

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

##### ***5.001 – Standard and Duties 10. Employees Shall Strive to Be Professional***

The Complainant alleged that the Named Employees were unprofessional when they came to her home on two separate occasions and yelled at her. The Complainant also asserted that officers failed to take action during various responses to her calls for service. She stated that she had ongoing disputes with her neighbors and that the officers consistently took the neighbors' side. This OPA investigation ensued.



OPA interviewed the Complainant. She indicated that the Named Employees yelled at her, told her to shut up, refused to help her, and laughed at her when they came to her residence.

OPA determined that the Complainant's allegations involved two separate responses to her apartment. OPA reviewed the Body Worn Video (BWV) for both. The BWV indicated that when the Named Employee #2 (NE#2) and Named Employee #3 (NE#3) initially responded to the residence, the Complainant was angry and raised her voice at them. NE#3 asked the Complainant why she was yelling, and she calmed down. The Complainant grew agitated again and both NE#2 and NE#3 told her that, if she did not stop yelling, they were going to stop speaking with her. Neither NE#2 nor NE#3 engaged in any of the behavior alleged by the Complainant. Named Employee #1 (NE#1) responded to the Complainant's residence a second time. During that contact, NE#1 was interviewing the neighbors and had to tell the Complainant to stop interrupting them. NE#1 then went to speak with the Complainant and she grew angry. NE#1 began to walk away and the Complainant said that she was going to report his conduct to the Mayor. NE#1 calmly responded by telling her that she could do that if she wished. As with NE#2 and NE#3, NE#1 did not engage in any of the behavior alleged by the Complainant.

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.*) 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.*)

As discussed above, the video conclusively established that the Named Employees did not engage in unprofessional conduct. Specifically, the Named Employees did not yell at the complainant, did not laugh at her, were not rude to her, and did not refuse to help her. While the Complainant may be frustrated with how SPD is investigating her complaints of criminal activity on the part of her neighbors, there was no indication from the BWV that the Named Employee failed to thoroughly address the Complainant's reports.

For the above reasons, OPA recommends that this allegation be Not Sustained – Unfounded as against all of the Named Employees.

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

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

##### ***5.001 – Standard and Duties 10. Employees Shall Strive to Be Professional***

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

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



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

***5.001 – Standard and Duties 10. Employees Shall Strive to Be Professional***

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

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