



## ***CLOSED CASE SUMMARY***

ISSUED DATE: JUNE 30, 2022

FROM: INTERIM DIRECTOR GRÁINNE PERKINS  
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2019OPA-0891

### **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 - Inconclusive

***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 over a period of months, Named Employee (NE#1) acted unprofessionally towards him. This alleged behavior included, but was not limited to, staring at the Complainant in an intimidating manner, and using profanity and derogatory language to describe the Complainant. It was further alleged that NE#1 stated if he ever met the Complainant outside the workplace, that he (The Complainant) "wouldn't like the outcome."

### **SUMMARY OF INVESTIGATION:**

On December 11, 2019, the Complainant telephoned OPA to make a complaint about NE#1. The Complainant alleged that he had been subject to behavior which included but was not necessarily limited to intimidating mannerisms and the use of derogatory and profanity toward him. The Complaint offered the names of five Witness Employees (WE#1-WE#5) who could support the allegations made about NE#1. On receipt of this complaint, OPA was aware of other separate complaints being generated in the precinct which involved both the Complainant and the Named Employee. OPA opened separate investigations to better understand the full context of the issues involved.

The Complainant alleged that NE#1 created a hostile work environment through intimidation, angrily complaining about the Complainant to peers, attempting to get subordinates to make complaints against the complainant, and through derogatory name calling of the Complainant.

During its investigation, OPA interviewed the Complainant, five witness employees, and NE#1. There was no other available independent evidence to review. All of the witnesses expressed familiarity with the negative relationship between both the Complainant and the NE#1.

#### ***1. Witness Interviews***

WE#1 stated that they had been contacted by NE#1 regarding The Complainant, who was her direct supervisor. NE#1 wanted to know if she had any issues with the Complainant, then advised that he had spoken with the Complainant,



and that he told NE#1 “how he felt about him, and he was honest about it.” WE#1 further stated that the Complainant told of the “cuss words and then dirty words” that NE#1 had said to him but emphasized that they did not witness these interactions.

Similarly, WE#2 stated that he met with NE#1 to discuss an operation, during which time NE#1 expressed displeasure with the Complainant. WE#2 stated that he believed NE#1’s comments regarding the complainant to be professional. WE#2 stated that he heard from the Complainant regarding the use of “derogatory names,” but noted that he did not witness it.

WE#3 also noted that she knew both men and that NE#1 approached her to express dismay regarding the Complainant. According to WE#3, she felt it necessary to speak with the Complainant and say “listen, you just need to be careful.” WE#3 stated that she did not want to get involved in their difficulties and that she did not want to hear what had occurred.

Senior Command staff, WE#4 and WE#5, did not have specific information regarding the alleged misconduct, but both were able to provide a description of previous instances where NE#1 had seemed agitated and unstable. WE#5 also described NE#1 as having a “very gruff demeanor.”

## **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 that SPD employees “strive to be professional.” The policy further instructs that “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers” whether on or off duty. (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.)

Due to protracted phases in which NE#1 was out of office on extended leave, OPA was unable to schedule an interview with NE#1 until June 7, 2022. In his interview, NE#1 acknowledged meeting with many of the witnesses in this case to discuss his opinion of the Complainant as a supervisor.

NE#1 was unable to recall the specific nature of the conversation, nor the verbiage. He denied every staring menacingly at the Complainant, noting that it would be rare in general for the two men to encounter one another in the same Precinct. NE#1 acknowledged that he did have a closed-door meeting with the Complainant in September 2019 but denied having made any kind of profane commentary toward the Complainant during that meeting. NE#1 stated that the scope of the meeting was to offer constructive feedback to the Complainant on how to improve as a supervisor.

OPA recognizes that both the Complainant and the NE#1 have an antagonistic working relationship, and this appeared to have been further perpetuated by both the Complainant and NE#1 speaking with other members of staff to try and curry favor for their own respective viewpoint. In addition to this, given the disputes of fact between the



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accounts provided by the Complainant and NE#1, and due to the lack of corroborating statements, OPA cannot definitively determine whether NE#1 acted unprofessionally.

As such, OPA recommends that this allegation be Not Sustained – Inconclusive.

Recommended Finding: **Not Sustained - Inconclusive**