



CLOSED CASE SUMMARY

ISSUED DATE: JULY 22, 2020

CASE NUMBER: 2019OPA-0918

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 the Named Employee was unprofessional towards him during a telephone call.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

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

Named Employee #1 (NE#1) was working as the South Precinct desk clerk when he received a phone call from the Complainant. Phone calls to the precinct are not recorded and NE#1 did not activate either Body Worn Video or In-Car Video. The Complainant was seeking information concerning an investigation into an assault against him.

The Complainant recalled that he asked general questions of what investigatory steps might be completed in a normal case and, in response, NE#1 rudely responded that he would not be personally completing those actions. The Complainant attempted to explain that he was not referring specifically to NE#1 but was referring to the Department more broadly. The Complainant stated that NE#1 continued to grow frustrated and accused the Complainant of trying to improperly generalize the Department. The Complainant said that NE#1 yelled at him and refused to provide answers to his questions. The Complainant stated that, when he tried to ask additional questions, NE#1 yelled at him again. The Complainant recalled pointing out that NE#1 was escalated but said that NE#1 denied yelling or being angry and hung up the phone. As a result of the Complainant's allegations, OPA commenced this investigation.

OPA interviewed NE#1. He recalled the conversation with the Complainant. He said that the Complainant identified himself as the victim in an assault but did not identify himself. NE#1 said that he tried to explain to the Complainant how the investigation process works but that the Complainant kept asking the same questions over and over. NE#1 said that he did not know how to properly respond given the repetitive nature of the conversation. NE#1 denied that he was rude and said that he felt that he was being berated by the Complainant during the call. NE#1 acknowledged being irritated with the Complainant but denied that he was rude. He did not recall yelling at the Complainant and recognized that, had he done so, this would have been unprofessional.



NE#1 stated that, in the future, he would try to be more patient with callers, regardless of repetitive questions or the callers' own rudeness. He said that he took being professional seriously and was endeavoring to ensure that he complied with the Department's policy in this area.

NE#1 noted that, in the immediate aftermath of the call, he documented what occurred from his perspective and sent that information to a supervisor via email. OPA reviewed that email as part of this investigation. The email noted the allegation of rudeness by the Complainant. The email also indicated, among other information, that the Complainant claimed to have recorded the interview. OPA subsequently contacted the Complainant to obtain a copy of any recording; however, the Complainant did not respond to OPA's inquiry.

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 NE#1 acknowledged, had he yelled at the Complainant during their conversation, it would be constituted unprofessional conduct in violation of SPD policy. NE#1 stated at his interview that he had no recollection of doing so but, in doing so, did not conclusively foreclose the possibility that this occurred. As discussed above, the conversation between NE#1 and the Complainant was not captured on Department video and the Complainant did not provide OPA with any audio he may have recorded. Accordingly, there is insufficient evidence for OPA to definitively determine what occurred and whether NE#1 was rude and/or yelled during the phone call. For these reasons, OPA recommends that this allegation be Not Sustained – Inconclusive.

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