



CLOSED CASE SUMMARY

ISSUED DATE: APRIL 8, 2020

CASE NUMBER: 2020OPA-0177

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 Subject was treated unprofessionally by the Named Employees.

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 - Allegation #1

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

The Complainant initiated this complaint with OPA. She relayed a complaint made by another individual – referred to here as the Subject – concerning purported unprofessional behavior on the part of the Named Employees. The Subject alleged that the Named Employees accessed her motel room without a basis to do so and ejected her from it. She further alleged that she was nude under the covers at that time and that the Named Employees watched her get dressed prior to removing her from the room. This OPA investigation ensued.

As part of its investigation, OPA reviewed the Named Employees' Body Worn Video (BWV) from the incident. The BWV, which recording the entirety of their interaction with the Subject, revealed that the officers responded to a motel based on a complaint by ownership that the Subject had not timely vacated her room. The motel ownership stated that the Subject was trespassing and asked that she be removed from the room. The officers approached the room and opened the door. The Subject was sitting on the bed at the time and was fully clothed. After a brief conversation with the Subject, the officers asked her to gather her things and exit the room. She ultimately did so.

The officers were polite towards her and did not make any contemptuous or disrespectful statements during their interaction with her.

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.*)

The BWV conclusively disproves the Subject’s allegations against the Named Employees. The video establishes that she was lawfully asked to leave the motel room. It further establishes that she was not nude at the time officers made contact with her. Lastly, the video indicates that, at no point, did the Named Employees engage in any unprofessional behavior towards her. To the contrary, the Named Employees treated her respectfully. Given that the Subject’s claims are clearly false, OPA recommends that this allegation be Not Sustained – Unfounded as against both Named Employees.

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

Named Employee #2 - Allegation #1

5.001 - Standards 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)**