



## CLOSED CASE SUMMARY

ISSUED DATE: OCTOBER 26, 2020

FROM: DIRECTOR ANDREW MYERBERG  
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2020OPA-0285

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

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

<b>Allegation(s):</b>		<b>Director's Findings</b>
# 1	5.001 - Standards and Duties 10. Employees Shall Strive to be Professional	Not Sustained (Training Referral)

### **EXECUTIVE SUMMARY:**

The Complainant alleged that Named Employee #1 was rude to her during an investigation and did not adhere to appropriate social distancing guidelines.

### **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) and another officer responded to the Complainant's residence as part of an investigation into a hit and run collision. The officers had a partial license plate that they tracked to the residence. When the officers arrived, they made contact with the Complainant. The Complainant let them into the residence. The officers discussed whether the Complainant was involved in the hit and run. NE#1 informed the Complainant that her account of not being involved in the collision did not "add up" and suggested that she was being dishonest. He said to her: "I have a couple of different ways I can go about this right now. Number one, I can go about a misdemeanor investigation of a hit and run, or I could go about just an infraction for Improper Backing." NE#1 also stated: "To be frank with you guys and not going to bullshit you right now...I'm trying to give you a chance right now to just do the right thing...and if it comes that way it will just be an infraction ticket." The Complainant denied being involved. She said that her vehicle had been parked in its location for around a week and that there was another vehicle with a similar make and model in the neighborhood. The Complainant stated that the damage to her vehicle was old and that she had insurance records to prove this. The Complainant further told NE#1 that she was in quarantine and not working because of a compromised immune system. NE#1 took her license and insurance information. When he returned to the residence, he told the Complainant: "For now...I think I believe you guys for right now...I'm going to keep looking into to this a little further but if I have any other questions for you guys...I'll get back with ya." NE#1 then departed.

The Complainant later initiated this complaint with OPA. She alleged that NE#1's approach during the investigation, including accusing her of being dishonest and engaging in criminal activity when she had not done so, was unprofessional. She further contented that NE#1 failed to maintain appropriate social distancing and to wear a mask, even though she told him that she was immunocompromised. A witness to the incident was also interviewed by OPA. He similarly alleged that NE#1's conduct was unprofessional.



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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.)

Based on a review of the Body Worn Video (BWV) for this incident, OPA understands why the Complainant was frustrated with NE#1’s approach towards her. While there are times where an aggressive and accusatory method of questioning may be warranted, it seemed misplaced here under the circumstances. While OPA does not believe that this warrants a Sustained finding, OPA feels that additional training is needed. This will hopefully ensure that NE#1 takes a more modulated approach in the future and avoids complaints such as this one. Lastly, with regard to the social distancing failures, OPA notes that this incident occurred prior to the Department implementing mandatory face mask requirements. NE#1 is now aware that he must take sufficient precautions when interacting with community members and that the prospective failure to do could result in OPA investigations and the potential imposition of discipline.

- **Training Referral:** OPA requests that the chain of command review this incident with NE#1, including watching the BWV. The chain of command should discuss NE#1’s approach to this incident and his demeanor towards the Complainant. The chain of command should provide guidance as to alternative approaches that could have been used that may have been more consistent with the Department’s expectations of professionalism. This counseling and any associated retraining should be documented, and this documentation should be maintained in an appropriate database.

Recommended Finding: **Not Sustained (Training Referral)**