



CLOSED CASE SUMMARY

ISSUED DATE: MARCH 30, 2021

FROM: DIRECTOR ANDREW MYERBERG
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2020OPA-0625

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	12.050 - Criminal Justice Information Systems 2. Inquiries Through ACCESS, or Any Other Criminal Justice Record System	Not Sustained (Unfounded)
# 2	5.001 - Standards and Duties 11. Employees Shall Be Truthful and Complete in All Communication	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:

It was alleged that the Named Employee may have improperly access SPD databases and may have collaborated with the Subject to make inaccurate statements.

SUMMARY OF INVESTIGATION:

The Complainant alleged that Named Employee #1 (NE#1), an SPD civilian employee, improperly accessed criminal justice information and provided that information to another person – referred to here as the Subject. The Complainant specifically referenced a 2017 order of protection that she believed NE#1 obtained from a Department database and provided to the Subject. The Complainant asserted that this was done by NE#1 for personal reasons and did not further a legitimate Department interest. The Complainant also alleged that NE#1 coordinated with the Subject to make false statements. Lastly, the Complainant contended that NE#1 provided inappropriate advice to the Subject about mental health court being a potential outcome for the Complainant.

OPA's investigation involved evaluating the access that NE#1 had to criminal justice information and whether the order of protection would fall under this protected category. OPA also reviewed various documentation submitted by the Complainant, as well as text messages between NE#1 and the Subject. Lastly, OPA interviewed the Complainant.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

12.050 - Criminal Justice Information Systems 2. Inquiries Through ACCESS, or Any Other Criminal Justice Record System



SPD Policy 12.050-POL-2 governs the use of Department databases and, particularly, provides parameters around how officers may review protected information. Relevant to this case, officers are precluded from doing so for personal reasons.

After evaluating the totality of the record, OPA determines that there is no evidence supporting a finding that NE#1 violated policy. OPA reaches this conclusion for three main reasons.

First, OPA determines that the application for the 2017 order of protection was denied and, thus, it would not have been entered into SPD databases. Second, even if it was, OPA verified that NE#1 would not have had access to any database in which this document would have been maintained. Third, to the extent NE#1 sought and obtained this information through a public records request or via an online search, this would not constitute a violation of SPD policy.

Accordingly, as there is an absence of evidence indicating that NE#1 inappropriately accessed protected information, OPA recommends that this allegation be Not Sustained – Unfounded.

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

Named Employee #1 - Allegation #2

5.001 - Standards and Duties 11. Employees Shall Be Truthful and Complete in All Communication

SPD Policy 5.001-POL-11 requires Department employees to be truthful and complete in all communications.

From a review of the evidence, there is no basis to conclude that NE#1 was dishonest or that he caused or coordinated with the Subject to provide inaccurate information.

Importantly, while the Subject inaccurately characterized the 2017 order of protection as being issued against the Complainant, this was her statement, not NE#1's. Moreover, while she referenced learning of the order of protection and email sent to and from NE#1 in the same paragraph, she did not say that the information concerning the status of the order came directly from NE#1.

OPA also notes that there is no evidence that NE#1 did anything improper when he provided general information to the Subject about mental health court and its potential applicability to this incident. OPA reaches this conclusion based on the plain language of the texts sent between NE#1 and Subject.

For these reasons, OPA recommends that this allegation be Not Sustained – Unfounded.

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