



## ***CLOSED CASE SUMMARY***

ISSUED DATE: DECEMBER 14, 2021

FROM: DIRECTOR ANDREW MYERBERG  
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2021OPA-0233

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

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 – Standards and Duties 10. Employees Will 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 an unknown SPD employee treated him unprofessionally.

### **ADMINISTRATIVE NOTE:**

OPA was unable to identify the Named Employee involved in this case and, as such, added an unknown SPD employee. Given this, the case is not governed by a 180-day deadline. For administrative purposes, OPA sets the deadline as the date of this DCM.

### **SUMMARY OF INVESTIGATION:**

The Complainant filed an OPA complaint concerning an unprofessional interaction he had with an individual he believed to be employed by SPD. The Complainant said that he was walking his dog when a patrol vehicle drove by him. Someone in the rear of the patrol vehicle – the Complainant did not know for sure that this was an SPD employee – attempted to get the dog's attention, causing the dog to dart towards traffic. The Complainant stated that he requested that the individual stop doing this, and the person denied that it occurred and laughed as the patrol vehicle drove away. The Complainant reported that this incident occurred on May 6, 2021, during an approximate ten-minute window around 4:33 p.m. He said that the location of the incident was the vicinity of 10<sup>th</sup> Avenue and Pine Street. After receiving the complaint, OPA commenced this investigation.

OPA reviewed GPS records for the date and time identified by the Complainant. OPA located a patrol vehicle logged to two officers that drove through the approximate location at 5:08 p.m. OPA watched Body Worn Video and In-Car Video for both officers. This incident alleged by the Complainant was not recorded on the video and the video did not show anyone in the back seat of the patrol vehicle. OPA also expanded the search parameters to 3:00 p.m. to 6:00 p.m. on May 6. This helped OPA identify three additional units that drove through the location; however, all were solo officer cars without passengers. Lastly, OPA conducted a search for the following day, May 7, 2021, but found no patrol vehicles that were in the location at the time identified.



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**ANALYSIS AND CONCLUSIONS:**

**Named Employee #1 - Allegation #1**

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

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.*)

If the conduct alleged by the Complainant occurred, OPA would have found it to be unprofessional. However, after conducting its investigation, OPA cannot establish this by a preponderance of the evidence. OPA was not able to locate any patrol vehicle with occupants matching those described by the Complainant or, for that matter, one that drove through the location at the date and time reported. Unfortunately, this prevents OPA from definitively proving or disproving what occurred in this case.

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

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