



CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 6, 2022

FROM: DIRECTOR ANDREW MYERBERG
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2021OPA-0318

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001-POL 10. Employees Will 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 Named Employee was unprofessional towards her.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.001-POL 10. Employees Will Strive to be Professional

The Complainant alleged that the Named Employee was rude and threatening when he spoke with her. The Complainant specifically alleged that the Named Employee "got in [her] face" and acted like he was going to hit her.

As part of its investigation into this incident, OPA reviewed the complaint, CAD, Incident/Offense Report, Body Worn Video (BWV), and 911 Call Audio. OPA further interviewed the Complainant. The entirety of the Named Employee's interaction with the Complainant was captured on BWV.

This incident arose out of a dispute between the Complainant and her neighbors. The neighbors called 911 to report that they observed the Complainant stab their door multiple times with a tool. Contemporaneously, the Complainant also called 911 multiple times to report that the neighbors were making noise. During these 911 calls, the Complainant repeatedly used racial slurs, yelled over the call takers, cursed, and screamed. Named Employee #1 (NE#1) and another officer – referred to here as Witness Officer #1 (WO#1) – responded to the 911 calls.

After arriving at the location, NE#1 and WO#1 spoke to the neighbors, who described issues they had been having with the Complainant repeatedly accusing them of making noise. The neighbors stated that, on this occasion, they heard loud noises at their door. One of the neighbors looked through the peep hole and saw the Complainant walking away, wearing a pink bath robe and putting something in her pocket. The neighbors then observed stab marks on their door.



NE#1 and WO#1 then contacted the Complainant at her apartment. The Complainant answered the door and invited both officers inside. While therein, the officers – who remained standing – spoke to the Complainant – who was sitting down – over the course of half an hour. The Complainant told the officers that the neighbors were causing noise; however, at various points, she raised her voice, interrupted the officers, cursed, used racial slurs, and implausibly claimed that noise coming from the outside alley was noise caused by the neighbors. Throughout the entirety of the interaction, NE#1 spoke to the Complainant calmly.

SPD Policy 5.001-POL-10 requires that SPD employees “strive to be professional.” The policy further instructs that “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers” whether on or off duty. (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.*)

From OPA’s review of the evidence, at no point did NE#1 threaten the Complainant, “get in [her] face,” or act like he was going to hit her. Instead, the Complainant appears to have interpreted as unprofessional the routine, professional behavior of NE#1. During his interaction with the Complainant, NE#1 confronted her with the neighbors’ allegation and provided her an opportunity to give her version of events. NE#1 also reasonably and lawfully sought the Complainant’s consent – which she gave – to search a pink bathrobe that was in plain view. NE#1 factually told the Complainant that he was going to write a report for misdemeanor harassment, identifying the Complainant as the suspect, and gave his reasons for doing so. NE#1 told the Complainant not to contact the neighbors and politely stopped the Complainant from repeatedly interrupting him. NE#1 also reasonably and respectfully offered that he was putting a tag on his report for mental health court, because he suspected there could be a mental health component to the repeated misunderstandings between the Complainant and the neighbors. NE#1 also respectfully asked the Complainant if she wanted to access any resources at a hospital, which she declined. Finally, NE#1 told the Complainant that he would address her concerns about noise with the neighbors. None of these actions were unprofessional.

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

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