



CLOSED CASE SUMMARY

ISSUED DATE: MARCH 10, 2022

FROM: INTERIM DIRECTOR GRÁINNE PERKINS
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2021OPA-0342

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 - Lawful and Proper (Expedited)

Named Employee #2

Allegation(s):		Director's Findings
# 1	5.001 Standards and Duties 10. Employees Will Strive to be Professional	Not Sustained - Lawful and Proper (Expedited)

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 Employees were unprofessional when removing an individual from a premise for trespassing.

SUMMARY OF INVESTIGATION:

Named Employees (NE#1 and NE#2) responded to a 911 call to remove a person from a premise who was believed to be in possession of a knife. When the Named Employees attended the store, they detained and handcuffed the individual who was the subject of the 911 call. NE#1 spoke with the complainant while NE#2 remained outside with the detained individual. When the Named Employees arrived at the store, they were made aware by staff that a threat had occurred to a member of staff by the individual approximately a week previously, and not that day. NE#1 explained to the caller and individual who was subject of the original threat, that the fact the threat had not occurred that day, "that makes a difference".

NE#2 explained the process when misdemeanor crimes are reported. NE#2 told staff there that they can't arrest "if it isn't the same day or something like that". BWV shows NE#1 explaining that they couldn't arrest the subject today for the prior incident, but they would trespass him and write a report and forward it to the prosecutor for review. BWV also shows NE#1 explaining to the complainant the jail won't book for this type of misdemeanor crime or for trespass.

The complainant stated that NE#1 came back into the store and held up a little Swiss Army knife to them. The complainant stated that the NE#1 asked, "Is this the knife he pulled on you?". The complainant stated that she could feel the energy in the room when he said that and perceived it to be "very rude". The complainant stated that the way NE#1 spoke to staff that he was "condescending" and that the way talked to them was "very frustrating". The knife shown by NE#2 was not the knife that the individual was threatened with previously.



The complainant stated that NE#1 talked about SPD being understaffed, Covid and the Justice system and alleged that NE#1 attempted to blame the lack of security staff at the store as the issue. The complainant alleged that NE#1 continued to interrupt her and made excuses why they weren't going to arrest the subject. OPA reviewed BWV and interviewed both the manager who placed the 911 call (the complainant) and the individual who had been threatened with a knife by the individual 2 weeks previously.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

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.)

OPA empathizes with the frustration of the complainant relative to the lack of perceived action by the attending Named Employees and misdemeanor crimes. However, although this was dispatched as a priority one (urgent call), it related to an incident approximately a week previously. OPA recognizes that the Named Employee's attempts to explain the workings of the justice processes were perhaps misplaced where the complainant still felt somewhat threatened. However, a review of BWV does not support the allegation that the NE's were rude or condescending as described. Accordingly, OPA recommends that this case be Not Sustained- Lawful and Proper.

Recommended Finding: **Not Sustained - Lawful and Proper (Expedited)**

Named Employee #2 - Allegation #1

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.)

For the same reasons set forth at Named Employee #1 – Allegation #1, OPA recommends that this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained - Lawful and Proper (Expedited)**