



CLOSED CASE SUMMARY

ISSUED DATE: JUNE 3, 2022

FROM: INTERIM DIRECTOR GRÁINNE PERKINS
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2021OPA-0447

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 - Training Referral

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 Named Employee #1 (NE#1) was unprofessional and rude to the Complainant.

ADMINISTRATIVE NOTE:

This is an abbreviated Director's Certification Memorandum. Due to present OPA staff limitations, an expanded Director's Certification Memorandum is forthcoming.

ANALYSIS AND CONCLUSIONS:

Following an investigation that the Office of Inspector General certified as thorough, timely, and objective, OPA's analysis is that the preponderance of the evidence does not establish that any policy violations occurred or rose to the level of misconduct.

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." 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.)

During its investigation, OPA reviewed the NE#1's BWV of this incident. The Complainant disagreed with NE#1's factual determinations concerning a motor vehicle accident in which she was involved. The Complainant questioned NE#1's



determinations and investigation. During their exchange, NE#1 used a stern approach to relay his findings to the Complainant. Although this approach could have been effective in other situations, it was not effective here and appeared to escalate the Complainant. OPA finds that NE#1's failure to alter his approach here represents a possible, but not willful, violation of policy not amounting to misconduct.

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

- **Training Referral:** NE#1's chain of command should discuss OPA's findings with NE#1, review SPD Policy 5.001-POL-10 with NE#1, and provide any further retraining and counseling that it deems appropriate. NE#1's chain of command should review NE#1's BWV from this incident and recommend alternative approaches to conveying information to community members. The retraining and counseling conducted should be documented, and this documentation should be maintained in Blue Team.

Recommended Finding: **Not Sustained - Training Referral**