



## ***CLOSED CASE SUMMARY***

ISSUED DATE: JUNE 3, 2022

FROM: INTERIM DIRECTOR GRÁINNE PERKINS  
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2021OPA-0455

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

#### **Named Employee #1**

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties 5.001-POL 2. Employees Must Adhere to Laws, City Policy and Department Policy	Not Sustained - Inconclusive
# 2	5.001 - Standards and Duties 5.001-POL 10. Employees Will Strive to be Professional	Not Sustained - Inconclusive

#### **Named Employee #2**

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties 5.001-POL 2. Employees Must Adhere to Laws, City Policy and Department Policy	Allegation Removed
# 2	5.002 - Responsibilities of Employees Concerning Alleged Policy Violations 5.002-POL 5. Supervisors Will Investigate or Refer Allegations of Policy Violations	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 Named Employee #1 (NE#1) visited an estate sale and took property without purchasing it, which lead to a verbal altercation between the yard sale host and NE#1. It was also alleged that Unnamed Employee(s)—Named Employee #2 (NE#2)—was advised of NE#1's alleged misconduct but failed to take action on the matter as supervisor(s).

### **ADMINISTRATIVE NOTE:**

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

OPA is submitting this Director's Certification Memorandum without a certification from the Office of Inspector General (OIG). OPA's investigation of this matter was delayed and OPA submitted this completed investigation to OIG on the final day of the 180-day timeline. Accordingly, OPA did not provide OIG with adequate time to review this matter for certification. In order to meet the 180-day timeline, OPA is submitting its findings without certification.



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**ANALYSIS AND CONCLUSIONS:**

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 5.001-POL 2. Employees Must Adhere to Laws, City Policy and Department Policy***

SPD Policy 5.001-POL-2 requires that employees adhere to laws, City policy, and Department policy.

The Complainant's allegation that NE#1 stole property during an estate sale was premised on a complicated social arrangement between the Complainant and NE#1. The Complainant alleged that NE#1 was helping her run an estate sale, during which the Complainant alleged NE#1 set aside items or was holding items that were not for sale. The Complainant alleged that NE#1 returned these items after being informed they were not for sale. NE#1 denied trying to steal anything and stated that the Complainant had told her to set aside anything she might want to buy for herself, but that she ultimately did not buy these items and left them at the Complainant's house. In light of this difference of perception and the absence of any objective witnesses, OPA cannot reach a conclusion on this allegation.

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

Recommended Finding: **Not Sustained - Inconclusive**

**Named Employee #1 - Allegation #2**

***5.001 - Standards and Duties 5.001-POL 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.)

For the same reasons set forth above at Named Employee #1, Allegation #1, OPA cannot reach a conclusion regarding the Complainant's professionalism allegation against NE#1.

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

Recommended Finding: **Not Sustained - Inconclusive**

**Named Employee #2 - Allegation #1**

***5.001 - Standards and Duties 5.001-POL 2. Employees Must Adhere to Laws, City Policy and Department Policy***

OPA classified allegations against NE#2, an unnamed employee, to investigate the delay in reporting these allegations to OPA, despite a number of SPD employees being aware of the Complainant's claims against NE#1.



Ultimately, OPA found that other SPD employees reported the Complainant's allegations to NE#1's captain. Accordingly, this allegation is duplicative of Named Employee #2, Allegation #2. This allegation is removed.

Recommended Finding: **Allegation Removed**

**Named Employee #2 - Allegation #2**

***5.002 - Responsibilities of Employees Concerning Alleged Policy Violations 5.002-POL 5. Supervisors Will Investigate or Refer Allegations of Policy Violations***

SPD Policy 5.002-POL-5 requires supervisors who become aware of a potential policy violation to investigate or refer the allegations depending on their severity. Minor allegations of misconduct may be investigated by a supervisor, while allegations of serious misconduct – such as the use of excessive force – must be referred to OPA. (SPD Policy 5.002-POL-5.)

During its investigation, OPA interviewed NE#1's Captain. NE#1's Captain stated that another SPD employee reported to him that NE#1 had attended an estate sale and had a "misunderstanding or concern" with the host of the sale. NE#1's Captain stated that he contacted the Complainant, who stated that she did not wish to file a complaint. NE#1 also stated that he screened this incident with a former OPA Director over the telephone and that the former OPA Director did not believe this incident rose to the level of a formal complaint. Sometime later, OPA received an anonymous web complaint regarding this incident and NE#1's Captain documented this incident formally through Blue Team.

In light of the fact that subordinate employees reported the Complainant's allegations to NE#1's Captain, who then stated that he screened these allegations with the former OPA Director, OPA is unable to conclude that any delay in reporting this allegation was the result of willful misconduct on behalf of any SPD employees.

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

Recommended Finding: **Not Sustained - Inconclusive**