



## ***CLOSED CASE SUMMARY***

ISSUED DATE: MAY 5, 2022

FROM: INTERIM DIRECTOR GRÁINNE PERKINS  
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2021OPA-0473

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

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

| Allegation(s): |  | Director's Findings          |
|----------------|--|------------------------------|
| # 1            | 5.001 Standards and Duties 10. Employees Shall Strive to Remain Professional | Not Sustained - Inconclusive |

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

| Allegation(s): |  | Director's Findings          |
|----------------|--|------------------------------|
| # 1            | 5.001 Standards and Duties 10. Employees Shall Strive to Remain 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:**

It was alleged that on 10/18/21 Named Employees were unprofessional and may have honked the horn of an SPD vehicle and gave a "thumbs up" while driving by an anti-vaccine protest at City Hall.

### **SUMMARY OF INVESTIGATION:**

This complaint related to an anti- vaccine protest which was being held at City Hall. It was alleged that an SPD vehicle drove by and gave protestors a "thumbs up" sign and honked their car horn in support of an anti-vaccinated stance.

During its investigation, OPA reviewed the complaint, Computer Aided Dispatch (CAD) Call Report, In Car video (ICV) and Body Worn Video (BWV). Independent Social media footage was also reviewed. The author of the social media footage declined to be interviewed. OPA interviewed the Named Employees.

Facebook video footage was provided to OPA of the protest. In three places in the video comments were made which related to SPD personnel and gestures and/or honking. The first commentary, heard on the footage stated, "There's SPD again, in their unmarked cars...Oh SPD just drove by with their thumbs up...and I missed it. They will come by again and support some more". A marked SPD vehicle was seen travelling on the road. The occupants and the license plate could not be identified.

A second comment was made on the footage which related to an SPD officer having driven by and a honked car horn. No SPD vehicle could be identified.



A third comment was made on the footage which related to a traffic officer with an SPD patch giving a thumbs up. The footage was taken around 5 Av / Seneca St. There was no officer seen on the video. A subsequent search by OPA through various systems, GPS, IAPRO did not identify any officers in the area at the time alleged. Independent security companies were contacted to establish if any independent staff happened to be there but none were identified.

### **ANALYSIS AND CONCLUSIONS:**

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

##### **5.001 Standards and Duties 10. Employees Shall Strive to Remain 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.)

NE#1 was the driver of a two staff car on the day in question. NE#2 was the passenger. NE#1 stated that he drove by the protest to ensure that it was a civil protest. NE#1 stated that when they drove by the protest, he heard people yelling for them (SPD), clapping, giving thumbs up, and generally having positive police interactions. He stated they drove by one time. He did not honk his horn. He did not give anyone a thumbs up. OPA found no evidence to suggest that the behavior suggested, thumbs up or car honking, even if NE#1 had engaged in it, would have undermined public trust in the Department. Available evidence neither supports nor refutes the allegations of unprofessional behavior. Accordingly, OPA recommends that this allegation be Not sustained- Inconclusive.

Recommended Finding: **Not Sustained - Inconclusive**

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

##### **5.001 Standards and Duties 10. Employees Shall Strive to Remain Professional**

NE#2 was the passenger of the SPD vehicle. NE#2 stated that they drove by the protest and as they did, people came to the road, waving flags and yelling things such as “we love you.” NE#2 stated his window was rolled down and his arm was hanging on the open window/ door frame. He stated many came out to greet them. He gave them a short, maybe 2 second thumbs up, to acknowledge them, and they continued on their way. NE#2 stated that failing to acknowledge individuals would have been offensive. NE#2 stated that he “probably” gave other demonstrators a thumbs up in the past. For the same reasoning as detailed in Named Employee #1 Allegation #1, above, OPA found no evidence to suggest that the behavior suggested, thumbs up or car honking, would have undermined public trust in the Department. Available evidence neither supports nor refutes the allegations of unprofessionalism. Accordingly, OPA recommends that this allegation be Not sustained- Inconclusive.

Recommended Finding: **Not Sustained - Inconclusive**