



## ***CLOSED CASE SUMMARY***

ISSUED DATE: APRIL 20, 2022

FROM: INTERIM DIRECTOR GRÁINNE PERKINS  
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2021OPA-0497

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

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy (CSO Personnel Policies)	Not Sustained - Training Referral
# 2	5.001 - Standards and Duties 10. Employees Will Strive to be Professional	Allegation Removed
# 3	5.001 - Standards and Duties 11. Employees Will Be Truthful and Complete in All Communication	Not Sustained - Lawful and Proper

***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 failed to respond to assigned calls when requested to by Dispatch. It was further alleged that the Named Employee was untruthful in stating that she had responded to these calls and was insubordinate for refusing to obey an order to respond.

### **SUMMARY OF INVESTIGATION:**

The Complainant heard Dispatch request the attendance of a Community Service Officer (CSO). The request was originally made on East Radio. Seconds later, another request for CSOs was then made by Dispatch on South air, followed by West and North Radio. The Complainant alleged that the Named Employee (NE#1) was the CSO responsible for the South area, but that NE#1 declined to respond to the request as she said she was "about to have a meeting". The Complainant alleged that NE#1 was told to respond to the call.

The Complainant stated that she witnessed NE#1 gets up from her desk and that NE#1 walked over by the window. The Complainant heard NE#1 state her call sign. NE#1 then returned to her desk. NE#1 stated that she received no response back from Dispatch. A complaint was subsequently made to OPA based on NE#1's apparent failure to respond and an allegation that she was being untruthful in stating that she had in fact responded. The Complainant stated that the Dispatcher got back on East air, after the initial request for a CSO, and indicated that no CSO had responded to the call. At this juncture NE#1 responded on South Air. East radio then advised that they may have a CSO and that's when the Complainant then answered the call. The call was then processed on East Radio.



During its investigation, OPA reviewed the complaint, Computer Aided Dispatch (CAD) Call Report, Radio Traffic Communications, the Incident Report, In Car Video (ICV) and Body Worn Video (BWV). OPA also interviewed the Complainant, a supervisory Witness Employee (WE#1) and the Named Employee.

As part of this investigation, OPA also reviewed the policies and best practice of CSOs. The CSO unit does not have its own manual and aligns itself with SPD's policies and procedures. As part of their training, CSO's received specific radio training. The Complainant alleged that NE#1 failed to respond to a call for service. When interviewed by OPA, WE#1, a Supervisor of CSO's stated that he heard NE#1 responding to the request from Dispatch on air. BWV confirms that the NE#1 responded to Dispatch, as she described.

### **ANALYSIS AND CONCLUSIONS:**

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

##### ***5.001 - Standards and Duties 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.

CSOs operate according to SPD's policies and practices. NE#1 responded to the request for service. The Complainant overheard NE#1 responding but queried whether it was a truthful response. WE#1 also heard NE#1 respond to the request for service. A review of ICV and BWV from other precincts confirmed the response had occurred on South air. BWV also confirmed that NE#1 did not switch to East air when requested to by dispatch.

As part of the investigation, OPA learned that a new unit manual is currently being developed. From this complaint, it is apparent that the CSO department needs to streamline its processes with respect to who and on what air sign calls need to be responded to. This would negate the confusion which appeared to have arisen in this complaint.

During the course of this investigation OPA learned that NE#1 failed to take the most recent radio training. This, in OPA's opinion should be regarded as a contributory factor with respect to how this complaint arose. Accordingly, OPA recommends that this allegation be Not Sustained as a Training Referral.

- **Training Referral:** NE#1's chain of command should discuss OPA's findings with NE#1. The Training Referral should incorporate counselling and training on relevant sections of SPD policy 12.010: Communications. In addition to this, Supervisory staff should ensure that NE#1 undertakes the appropriate radio training required and provide any further retraining and counseling that it deems appropriate. The retraining and counseling conducted should be documented, and this documentation should be maintained in Blue Team.

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

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

##### ***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.)

The Complainant alleged that NE#1 failed to respond to a call in that *“she was unprofessional by not taking the call, and also lying about it. Lying that she—she got on radio to take the call, but she never did.”* OPA acknowledges that the Complainant was unaware of independent evidence showing that NE#1 responded to the call. However, when the Complainant was shown this footage by OPA, she still repeated her belief that NE#1 did not actually respond to the call. The available evidence refutes the assertions made the Complainant.

OPA questioned NE#1 about why she did not switch from South to East air when requested to do so by Dispatch. NE#1 stated that she did not hear this request. OPA finds NE#1’s response to be credible. NE#1 stated that she did not follow up with Dispatch on the call because the Complainant then responded. Both the Complainant and NE#1 then physically attended to the call-in question. Accordingly, OPA recommends that this allegation be removed.

Recommended Finding: **Allegation Removed**

### **Named Employee #1 - Allegation #3**

#### ***5.001 - Standards and Duties 11. Employees Will Be Truthful and Complete in All Communication***

SPD Policy 5.001-POL-11 requires Department employees to be truthful and complete in all communications.

The Complainant alleged that NE#1 failed to answer a request from Dispatch. When interviewed, WE#1 stated that he heard NE#1 respond to Dispatch. NE#1 stated that she responded to Dispatch by asking “Are you looking for CSO on South air?” NE#1 stated that she went to the doorway of the room to respond as the reception is poor where they congregate. Independent BWV and ICV reviewed from different officers across Precincts depict NE#1 responding to the call.

The Complainant has a perception that NE#1 was untruthful in how this call was responded to. OPA, however, finds no evidence in support of this belief. The Complainant heard NE#1 respond to Dispatch but alleged that it was a false response. NE#1’s entire response to Radio and attendance at the scene of this call was recorded on BWV and ICV. As such, these underlying facts are not in credible dispute. As discussed above, in Named Employee #1 - Allegation #2, NE#1 stated that she did not switch from South to East air when requested to do so by Dispatch because she did not hear this request. Although this explanation is not ideal, OPA finds NE#1’s response to be credible.

Accordingly, OPA recommends that this allegation be Not Sustained Lawful and Proper.

Recommended Finding: **Not Sustained - Lawful and Proper**