



CLOSED CASE SUMMARY

ISSUED DATE: NOVEMBER 6, 2022

FROM: DIRECTOR GINO BETTS
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0096

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	15.410 - Domestic Violence Investigation 15.410-POL 2. Officers Make Arrests with Probable Cause	Not Sustained - Lawful and Proper (Expedited)
# 2	5.001 - Standards and Duties 5.001-POL 10. Employees Will Strive to be Professional	Not Sustained - Unfounded (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:

The Complainant alleged Named Employee #1 (NE#1) unjustifiably arrested her. The Complainant also alleged NE#1 was unprofessional, specifically “aggressive and inappropriate.”

ADMINISTRATIVE NOTE:

During its intake investigation, OPA identified Student Officer #1 (SO#1) allegedly failed to timely address the Complainant’s handcuff discomfort. That allegation was returned to the chain of command for Supervisor Action.

This case was designated an Expedited Investigation. That means OPA, with the Office of Inspector General’s (OIG) review and approval, reached and issued recommended findings based on its intake investigation, without interviewing the involved employees.

SUMMARY OF INVESTIGATION:

The Complainant alleged NE#1 and SO#1 unlawfully arrested her. The Complainant also alleged her fourteen-year-old daughter was unlawfully arrested on prior occasion.¹ Further, the Complainant alleged NE#1 was “aggressive and inappropriate” towards her. OPA opened an investigation.

During its investigation, OPA reviewed the Complainant’s two OPA web complaints, a Computer-Aided Dispatch (CAD) call report, an incident report, Body Worn Video (BWV), and In-Car Video (ICV). OPA also interviewed the Complainant.

¹ OPA investigated the prior arrest of the Complainant’s daughter under 2021OPA-0231.



NE#1 and SO#1's response to the incident in question—including their dealings with the Complainant and her daughters—was recorded on BWV.

NE#1 and SO#1 responded to a 911 "hang up" call. Prior to arriving, NE#1 commented on the CAD his familiarity with the location, having responded there several times prior. NE#1 noted the names and ages of the Complainant, her adult daughter (AD), and minor daughter (JD). NE#1 further stated the Complainant used "meth." NE#1 also updated the CAD record with the incident number for a prior report involving the Complainant and JD. As NE#1 and SO#1 arrived on-scene, the 911 dispatcher reported "Another Hang up" from the caller.

NE#1 and SO#1 were outside the rear of the two-story complex when they heard screaming inside. SO#1 unsuccessfully tried to kick-in the apartment's backdoor. At NE#1's request, he stopped, knocked, and announced police presence. No one responded. SO#1 made more unsuccessful attempts to kick-in the door. Several seconds later, someone inside told the officers to relocate to the front door. NE#1 and SO#1 relocated, and the Complainant let them inside.

NE#1 spoke with AD in a back bedroom. SO#1 spoke with the Complainant in the living room, with JD initially present. SO#1 asked the Complainant whether there was a physical altercation. JD interjected, "They both got physical. Don't lie." NE#1 asked to talk to JD. JD went to the back bedroom with NE#1 and AD. JD shook, cried, and stated she was "freaking out" and "stressed."

The Complainant told SO#1 the altercation was about AD not going to school or helping around the house. The Complainant reported AD "ripped [the Complainant's] room apart" and punched the back of the Complainant's head. The Complainant denied hitting AD. The Complainant had no apparent injuries and declined medical attention. The Complainant stated her daughters conspired to "get [the Complainant] arrested."

AD initially told NE#1 the altercation was only verbal, and the Complainant broke her own property. However, JD reported AD and the Complainant were "hitting each other evenly." JD also stated the Complainant punched AD first, tried to pull AD's legs, and pulled AD's ponytail. JD intervened to "make sure that nothing happened." Crying, AD confirmed JD's account. AD also admitted she "slapped" the Complainant's back.

After speaking with witnesses, NE#1 and SO#1 conferred and determined the Complainant was the primary aggressor. NE#1 checked AD for injuries. The Complainant was arrested for a domestic violence related assault.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

15.410 - Domestic Violence Investigation 15.410-POL 2. Officers Make Arrests with Probable Cause

The Complainant alleged NE#1 unlawfully arrested her.

SPD Policy 15.410-POL-2 requires officers to arrest the subject of a domestic violence incident where there is probable cause the assault occurred within the past four hours. Otherwise, arrests are discretionary. SPD Policy 15.410-POL-2.

Here, NE#1 responded to a familiar location following multiple 911 caller hang-ups. Specifically, NE#1 knew the location was associated with prior domestic violence reports and suspected the Complainant used meth. On scene,



NE#1 and SO#1 heard screams from the location. The officers entered and took statements from the Complainant, AD, and JD. Based on the Complainant's daughters' accounts, the officers determined there was probable cause the Complainant was the primary aggressor of an assault that occurred within four hours. Under the circumstances, the officers had no discretion and were required to arrest the Complainant.

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

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

Named Employee #1 - Allegation #2

5.001 - Standards and Duties 5.001-POL 10. Employees Will Strive to be Professional

The Complainant alleged NE#1 was unprofessional, specifically “aggressive and inappropriate.”

SPD employees must “strive to be professional.” SPD Policy 5.001-POL-10. Further, “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers.” Id. “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. Last, employees must “avoid unnecessary escalation of events even if those events do not end in reportable uses of force.” Id.

Here, OPA found NE#1 professionally interacted with everyone involved, including the Complainant. NE#1 and SO#1, (1) spoke to all witnesses in a calm and respectful manner, (2) patiently listened to witness statements, (3) used de-escalation tactics, such as sitting down while speaking to the involved parties, (4) assisted the Complainant with retrieving personal items and medication following her arrest, and (5) offered resources to JD and AD, like the Victim Support Team, policy-approved housing options, food, essential household and sanitary items, a 911 only cell phone, and department contact information. Overall, there was no indication of unprofessionalism.

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

Recommended Finding: **Not Sustained - Unfounded (Expedited)**