



## ***CLOSED CASE SUMMARY***

ISSUED DATE: NOVEMBER 14, 2022

FROM: DIRECTOR GINO BETTS  
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0156

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

Named Employee #1

Allegation(s):		Director's Findings
# 1	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) was unprofessional by dismissing the Complainant's concerns and causing the Complainant to feel like a perpetrator.

### **ADMINISTRATIVE NOTE:**

This case was designated an Expedited Investigation. That means OPA, with the Office of Inspector General's review and approval, believed it could reach and issue recommended findings based solely on its intake investigation, without interviewing the involved employees.

### **SUMMARY OF INVESTIGATION:**

The Complainant was involved in a dispute with another person (Community Member #1 or CM#1) over a parking situation that resulted in an earlier OPA intake investigation (2022OPA-0136). During that intake investigation, the Complainant emailed the assigned OPA investigator with further allegations. Specifically, the Complainant alleged NE#1 was unprofessional by dismissing his concerns, taking CM#1's side in the dispute, and making the Complainant feel like the perpetrator. OPA opened an intake investigation.

During its investigation, OPA reviewed the emailed Complaint, Computer-Aided Dispatch (CAD) call report, incident report, 911 call audio, and Body Worn Video (BWV). OPA also interviewed the Complainant.

The entirety of NE#1's response to this incident was recorded on BWV.

CM#1 called 911 and reported the Complainant threatened to kill him. CM#1 also stated the Complainant had a Taser. SPD officers, including NE#1 and Witness Officer #1 (WO#1) responded.



On scene, NE#1 engaged with the CM#1 and WO#1 engaged with the Complainant. In summary, the Complainant told WO#1 CM#1 had a problem with the Complainant and CM#1 kicked a dent into the Complainant's car on an earlier occasion. The Complainant said his girlfriend worked at nearby UPS and the Complainant waited to pick her up after work for the past two weeks. The Complainant said CM#1 was making things up and that the Complainant tried to stay away from CM#1. The Complainant originally denied having weapons, but later confirmed having a Taser.

In summary, CM#1 told NE#1 the Complainant was repeatedly driving by CM#1's mobile home, flashing his Taser, threatening to kill CM#1, and calling CM#1 homophobic slurs. CM#1 showed NE#1 a photograph that purportedly depicted the Complainant's car driving by CM#1's mobile home.

Next, NE#1 spoke with the Complainant. NE#1 confronted the Complainant with CM#1's allegations and the information CM#1 had a photograph of the Complainant's license plate. The Complainant and the Complainant's girlfriend were adamant that CM#1 was lying and denied threatening CM#1. The Complainant stated, "Why are you guys siding with him? Why can't you believe what I'm saying? I'm telling you the exact truth." NE#1 responded, "What if (CM#1) said he's telling me the exact truth?" NE#1 said there are "three sides to every story:" your version, the other person's version, and the truth.

NE#1 suggested it appeared the Complainant and CM#1 had a problem with one another and recommended the Complainant stay away from CM#1. NE#1 stated the Complainant could pick his girlfriend up at another nearby location that would avoid the area where CM#1 lived. NE#1 also suggested the Complainant seek a restraining order and use his cell phone to record picking up his girlfriend to disprove accusations. NE#1 suggested the Complainant, his girlfriend, and their friend voluntarily leave the scene.

#### **ANALYSIS AND CONCLUSIONS:**

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

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

The Complainant alleged NE#1 was unprofessional, dismissed his concerns, took CM#1's side in the dispute, and made the Complainant feel like the perpetrator.

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.* Last, the policy instructs Department employees to "avoid unnecessary escalation of events even if those events do not end in reportable uses of force." *Id.*

Here, OPA found no evidence of NE#1's allegedly unprofessional behavior and language. NE#1 received a specific complaint from CM#1 about the Complainant. Overall, the Complainant appeared to be upset that NE#1 questioned the Complainant about CM#1's claims and pushed back on some of the Complainant's denials. NE#1 provided firm-but-fair feedback to the Complainant and gave him practical advice to stay away from CM#1 so both parties could avoid possible arrest. That was not unprofessional.



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

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