



CLOSED CASE SUMMARY

ISSUED DATE: NOVEMBER 26, 2022

FROM: DIRECTOR GINO BETTS
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0169

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) |

Named Employee #2

| 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 Employees #1 and #2 (NE#1 and NE#2, respectively) were unprofessional.

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 issue recommended findings based on its intake investigation without interviewing the involved employees. As such, OPA did not interview the involved employees.

SUMMARY OF INVESTIGATION:

On June 1, 2022, NE#1 and NE#2 responded to a 911 call for a violation of an anti-harassment order. The Complainant—the 911 caller—alleged NE#1 and NE#2 were impatient, aggressive, uninformed, and treated him like the suspect.

During its investigation, OPA reviewed the original web complaint, CAD records, BWV, 911 audio recordings, and email correspondence between the Complainant and OPA. The Named Employees' entire response to, and investigation of, this incident was recorded on BWV.

BWV showed the Named Employees arrive at the Complainant's apartment building and attempt to gather information regarding an incident with his neighbor. However, the Complainant declined to provide a statement and insisted the Named Employees reference the anti-harassment order he initiated in court. The Complainant did not



have a copy of the order and the copy attached to the 911 call did not include details. The Named Employees returned to their patrol vehicle and unsuccessfully attempted to locate details about the order. While the Named Employees were in the patrol vehicle, the Complainant called 911 and stated he felt threatened by the Named Employees and did not want further contact with them. Thereafter, the Named Employees attempted to contact the Complainant's neighbor at her apartment, but she did not answer the door. Washington Crime Information Center records indicated, as of June 1, 2022, the anti-harassment order was unserved and therefore unenforceable.

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 impatient, aggressive, uninformed, and treated him like the suspect.

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” whether on or off duty. *Id.* Additionally, Department employees must “avoid unnecessary escalation of events even if those events do not end in reportable uses of force.” *Id.* Moreover, “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, Department employees, while on duty or in uniform, will not publicly ridicule: “the Department or its policies, other Department employees, other law enforcement agencies, the criminal justice system or police profession. This applies where such expression is defamatory, obscene, undermines the effectiveness of the Department, interferes with the maintenance of discipline, or is made with reckless disregard for truth.” *Id.*

Here, OPA reviewed CAD records, BWV, 911 audio recordings, and email correspondence between the Complainant and OPA. In speaking with the Complainant, OPA determined the Complainant's primary concern pertained to the Named Employees' “impatient” and “aggressive” demeanors. However, OPA's BWV review did not support the Complainant's described demeanors. OPA offered the Complainant the opportunity to review the BWV to better identify his concerns. However, the Complainant declined and reiterated his original statements. OPA was unable to locate evidence corroborating the Complainant's contention.

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

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

Named Employee #2 - Allegation #1

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

For the reasons set forth above at Named Employee #1 – Allegation #1, OPA recommends this allegation be Not Sustained – Unfounded.

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