



## ***CLOSED CASE SUMMARY***

ISSUED DATE: JANUARY 23, 2023

FROM: DIRECTOR GINO BETTS   
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0226

### **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.

### **ADMINISTRATIVE NOTE:**

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

### **SUMMARY OF INVESTIGATION:**

The Complainant alleged NE#1 was unprofessional, where he was rude and did not listen to her side of the story. The Complainant also alleged NE#1 threatened her with prosecution if she was uncooperative.

During its investigation, OPA reviewed the original voicemail complaint, CAD records, BWV, the incident report, and the Complainant's OPA interview. NE#1's entire response to this incident was recorded on BWV.

On July 27, 2022, SPD officers, including NE#1, responded to an altercation between the reporting party (RP) and the Complainant. The RP alleged the Complainant took his vehicle keys and refused to return them. BWV showed officers speak with the Complainant at her apartment. The Complainant appeared agitated and claimed the RP owed her money. The Complainant provided officers with a set of keys, but they were not the RP's keys. BWV also showed the Complainant initially refused to retrieve the RP's belongings from her vehicle. Officers subsequently recovered a box from the Complainant's vehicle's trunk, which belonged to the RP. Thereafter, officers, including NE#1, returned to the Complainant's apartment to recover the RP's keys. The Complainant refused and told officers if she received the money the RP owed "maybe" a key would show up. NE#1 told the Complainant he would list her as a suspect in a police report. BWV showed the officers leave without making an arrest.



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During her interview with OPA, the Complainant alleged NE#1 was “angry and shaking” and threatened to write a theft report. She described NE#1 as rude, aggressive, and threatening.

**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, where he was rude and did not listen to her side of the story. The Complainant further alleged NE#1 threatened her with prosecution.

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.* 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.*

Here, OPA reviewed CAD records, the incident report, BWV, and the Complainant’s OPA interview. OPA determined the Complainant’s primary concern was NE#1’s demeanor. Specifically, NE#1 allegedly shaking with anger while threatening to write a theft report. However, OPA’s BWV review did not support the Complainant’s allegations. BWV showed NE#1 maintained a calm and even tone with the Complainant. NE#1 demonstrated patience during his interaction with the Complainant without apparent aggression or physical shaking. Officers made several attempts to reason with the Complainant. Although, NE#1 prepared a report which listed the Complainant as a suspect, that classification was supported by their primary investigation, which was captured on BWV.

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

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