



## ***CLOSED CASE SUMMARY***

ISSUED DATE: FEBRUARY 9, 2023

FROM: DIRECTOR GINO BETTS   
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0255

### **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)         |
| # 2            | 16.110-POL-5 Responding to Subjects in Behavioral Crisis 1. Upon Encountering a Subject in Any Type of Behavioral Crisis During Any Type of Incident | Not Sustained - Lawful and Proper (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)         |
| # 2            | 16.110-POL-5 Responding to Subjects in Behavioral Crisis 1. Upon Encountering a Subject in Any Type of Behavioral Crisis During Any Type of Incident | Not Sustained - Lawful and Proper (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) and Named Employee #2 (NE #2) were and failed to properly respond to someone experiencing behavioral crisis.

### **ADMINISTRATIVE NOTE:**

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

### **SUMMARY OF INVESTIGATION:**

The Complainant alleged the Named Employees failed to assist and intimidated a woman experiencing behavioral crisis. The Complainant further alleged the Named Employees were dismissive towards her.



During its investigation, OPA reviewed the original email complaint, CAD records, BWV, incident report, and the Complainant's OPA interview. The Named Employees entire response to this incident was recorded on BWV.

On August 13, 2022, a witness called 9-1-1 to report a community member (CM #1) who poured liquids down an open manhole and stuck her head into the sewer. The Named Employees responded. NE #1 contacted CM #1 and ordered her not to pour anything into the sewer. NE #1 spoke with CM #1 at length about her concerns regarding stolen cellphones and family issues. CM #1 appeared to show signs of behavioral crisis.

While NE #1 spoke with CM #1, the Complainant approached and stated CM #1 was in distress and helped. NE #1 advised he was familiar with CM #1 and the scene was under control. CM #1 expressed her desire to speak with a social worker. NE #1 stated he would connect her with a social worker. A witness officer (WO #1) and NE #2 arrived on scene. The Complainant expressed displeasure about three officers present to address CM #1. The Complainant confronted NE #2 about the necessity for three officers to respond to a mental health crisis. As NE #2 attempted to explain the rationale, the Complainant was dismissive and verbally abusive. The Complainant left and the officers left thereafter.

#### **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 the Named Employees harassed a woman experiencing a behavioral crisis and were dismissive towards her.

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.*

Here, OPA reviewed CAD records, an incident report, BWV, and the Complainant's OPA interview. BWV showed the Named Employees supported CM #1 and de-escalated the situation. All interaction with CM #1 appeared appropriate and demonstrated patience and kindness. Additionally, the Named Employees' interaction with the Complainant did not appear dismissive. Rather, when NE #2 attempted to explain the rationale for the officers' presence, the Complainant became verbally abusive.

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

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



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

***16.110-POL-5 Responding to Subjects in Behavioral Crisis 1. Upon Encountering a Subject in Any Type of Behavioral Crisis During Any Type of Incident***

The Complainant alleged the Named Employee failed to properly assist a woman experiencing a behavioral crisis.

SPD Policy 16.110-POL-5 provides for how officers are expected to respond to subjects who are in behavioral crisis. SPD Policy 16.110-POL-5(1) specifically instructs that: “upon encountering a subject in any type of behavioral crisis during any type of incident...officers shall make reasonable efforts to request the assistance of CIT-certified officers.”

As noted, OPA reviewed CAD records, an incident report, and BWV. Regrettably, OPA did not obtain the training records for either Named Employee to determine whether either was CIT-certified on the date of the incident. Regardless, under the circumstances, OPA cannot say either Named Employee failed to make a reasonable effort to request the assistance of a CIT-certified officer because it does not appear the situation reasonably required that level of assistance. The Subject did not appear to be in significant behavioral crisis, nor did she appear to be a danger to herself or the public. NE #1 briefly addressed the situation in a manner that supported CM #1 and kept the situation de-escalated. However, both Named Employees are reminded of CIT-certified officers as a resource as well as their obligations under SPD Policy 16.110-POL-5(1).

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

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

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

***16.110-POL-5 Responding to Subjects in Behavioral Crisis 1. Upon Encountering a Subject in Any Type of Behavioral Crisis During Any Type of Incident***

For the reasons set forth above at Named Employee #1 – Allegation #2, OPA recommends this allegation be Not Sustained – Lawful and Proper.

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