

Issued Date: DECEMBER 22, 2023

From: Gino Betts, Office of Police Accountability 

Case Number: 2023OPA-0282

Allegations of Misconduct & Director's Findings

Named Employee #1

1. **Allegation:** 5.001 - Standards and Duties POL-10. Employees Will Strive to be Professional
 - a. **Finding:** Sustained
- **Imposed Discipline:** Written Reprimand

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:

While taking the Complainant's assault report, Named Employee #1 (NE#1) was allegedly unprofessional. Specifically, he allegedly told her, "Get your hands out of my fucking car."

Administrative Note:

On November 1, 2023, the Office of Inspector General certified OPA's investigation as thorough, timely, and objective.

Summary of the Investigation:

The Complainant told OPA that she called the police to report an assault, and NE#1 responded. She said she spoke with NE#1, who remained in an SPD vehicle. The Complainant described NE#1 as dismissive and rude, including telling her, "Get the fuck off my car."

OPA opened an investigation, reviewing the OPA complaint, computer-aided dispatch (CAD) call report, and body-worn video (BWV). OPA also interviewed the Complainant and NE#1.

The CAD call remarks noted the 9-1-1 caller (the Complainant) alleged she was assaulted the prior night. The Complainant reported finding out where the suspect lived and wanted to speak with an officer.

BWV depicted NE#1's interaction with the Complainant. NE#1 arrived at the incident location, advised dispatch that he wanted to meet the Complainant outside, and noted that he did not have his department cell phone. NE#1 spoke with the Complainant through his vehicle's open passenger window. After confirming the Complainant's name, NE#1 said, "We just tried to call you. You didn't answer." As NE#1 and the Complainant spoke, the Complainant leaned her right elbow/forearm and left hand onto NE#1's passenger side door through the open window. The Complainant gestured with her hands, and NE#1 interrupted, "Get your hands out of my fucking car."



Still from NE#1's BWV, as NE#1 stated, "Get your hand out of my fucking car."

The Complainant apologized, "Sorry. Sorry, dude. Don't be, don't be rude to me. You gonna come outta your car and talk to me?" NE#1 responded, "No, I can talk to you right here." The Complainant said, "So, you don't wanna hear about this?" NE#1 responded, "I'm listening." The Complainant said, "I don't feel like you should be rude to me, though." NE#1 responded, "Get your hands outta my car." The Complainant replied, "Dude. I'm not trying to hurt you." NE#1 responded, "Don't call me dude, either." NE#1 and the Complainant spoke about the alleged assault for another seven minutes before the Complainant said, "Sorry for being rude earlier. I'm just kind of like upset about all that, you know?" NE#1 responded, "I understand." They spoke for another five minutes before NE#1 departed.

OPA interviewed the Complainant, whose statement was consistent with her original complaint. The Complainant speculated that NE#1 was annoyed that she missed SPD's call or because she did not immediately report the assault. The Complainant said NE#1's comments were rude and unwarranted and that NE#1's behavior made her less likely to contact SPD in the future. The Complainant questioned whether NE#1 would have spoken to a wealthy person the same way. The Complainant speculated that NE#1 "...just seemed like he needed to go have lunch or something."

OPA interviewed NE#1. NE#1 said with his “peripheral vision,” he saw the Complainant reach into his vehicle, causing a “startle response” and “excited utterance.” NE#1 explained, “Typically, I have other tools and whatnot next to me, just for when I need them.” NE#1 said those “tools” included OC spray and a backup firearm. When asked whether the Complainant was near those weapons, NE#1 responded that she “could have been” but admitted that she did not appear to be reaching toward those weapons. NE#1 denied directing derogatory, contemptuous, or disrespectful statements toward the Complainant or intending to demean her. NE#1 described his comment as an officer safety caution directed at the Complainant.

Analysis and Conclusions:

Named Employee #1 - Allegation #1

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

The Complainant alleged NE#1 was unprofessional during their interaction.

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.* Employees must also “avoid unnecessary escalation of events even if those events do not end in reportable uses of force.” *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.* The “guiding principle” is to “treat everyone with respect and courtesy, guarding against employing an officious or overbearing attitude.” SPD Policy 5.001-POL.

Here, NE#1 was unprofessional. He responded to investigate an assault and chose to remain in the patrol vehicle and engage the reported victim—the Complainant—through a rolled-down passenger window. The Complainant leaned her right forearm on the passenger door, and NE#1 snapped, “Get your hands out of my fucking car.” The Complainant was immediately compliant and apologetic. While NE#1 told OPA that he feared for his safety, he did not offer that or any explanation to the Complainant. Throughout the encounter, NE#1’s demeanor was short and officious. Moreover, when the Complainant apologized, apparently for agitating NE#1, he only replied, “I understand,” without apologizing for or explaining his reaction.

NE#1’s purported fear for his safety does not excuse his comments and behavior. Even if NE#1 felt compromised, he created the hazard by electing to stay in his car and speak with the Complainant within her reach of his accessible “tools.” At a minimum, NE#1 owed the Complainant an explanation for his outburst.

Further, NE#1’s chain of command had previously provided him with counseling and training concerning the department’s professionalism policy. In another case (2021OPA-0004), NE#1

received a written reprimand for saying a community member “had issues,” was a “disrespectful asshole,” “your typical Capitol Hill person,” and a “[expletive] dick.”

Accordingly, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**