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**Issued Date:** APRIL 11, 2024**From:** Office of Police Accountability Director Gino Betts Jr. **Case Number:** 2023OPA-0461

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

### **Named Employee #1**

1. **Allegation #1:** 5.001 - Standards and Duties 10. Employees Shall Strive to be Professional

**Finding:** Not Sustained - Inconclusive

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**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:**

On October 12, 2023, the Complainant was the victim of an assault. On October 14, 2023, the Complainant called the North Precinct to provide additional information about the assault. The Complainant alleged the call taker—later identified as Named Employee #1 (NE#1)—rudely “chastised” him for calling.

### **Administrative Note:**

On March 18, 2024, the Office of Inspector General (OIG) certified this investigation as thorough and objective. However, OIG did not certify it as timely since OPA sent notice of receipt of the complaint (“5-Day Notice”) fourteen business days late. While OPA acknowledges the late notice, we respectfully disagree that it made the entire investigation untimely—particularly when NE#1 was not disadvantaged, the classification notice was timely sent, and the investigation was completed within the 180-timeline.

### **Summary of Investigation:**

OPA opened an investigation, reviewing the OPA complaint, computer-aided dispatch (CAD) call report, incident report and supplement, global positioning system (GPS) records, mobile data terminal (MDT) messages, and cell phone screenshots from the Complainant. OPA also interviewed the Complainant, NE#1, and Witness Employee #1 (WE#1).

The Complainant told OPA he was assaulted outside a grocery store. He said he returned to the incident location the next day and met a witness who provided the assailants’ first names. The Complainant said that when he called the North Precinct to provide this information, the call taker

was rude and told him, "This is not a messaging service." The Complainant said he was also accused of withholding information and told to call the main SPD reporting line. The Complainant said the interaction caused him to feel chastised and demeaned, diminishing his faith in SPD. The Complainant said he then contacted OPA to make a complaint before calling SPD's non-emergency line to make his follow-up report.

The Complainant provided OPA screenshots of his cell phone call log from October 14, 2023. They showed that the Complainant called the North Precinct at 7:33 AM, lasting about one minute and fifty-three seconds. The Complainant called OPA at 7:55 AM. The Complainant called SPD's non-emergency number at 8:00 AM, lasting about seventeen minutes and ten seconds.

The CAD call report for the Complainant's October 14th follow-up report showed that a call taker initiated an event at 7:38 AM and linked it to the original incident at 7:42 AM. WE#1, assigned to the Internet and Telephone Reporting Unit (ITRU), started the call at 7:44 AM, entered the Complainant's information at 7:48 AM, began a supplemental report at 7:54 AM, and digitally signed the report at 7:58 AM.

OPA interviewed WE#1, who recalled taking the Complainant's follow-up report. WE#1 denied being rude and noted nothing remarkable about the call. OPA reviewed WE#1's supplemental report, which documented the Complainant's account of returning to the grocery store and locating an unknown woman who provided his assailants' first names.

OPA learned that NE#1 worked first watch "precinct support" at the North Precinct's front desk on October 14, 2023. Comparing GPS and MDT data, OPA identified four other officers at the North Precinct around 7:33 AM that day. One officer left to respond to a call shortly after 7:33 AM, another officer ate a meal, and the other two officers met to exchange handcuffs.

During his interview, NE#1 said his duties as a precinct support officer included taking non-emergency reports over the telephone. NE#1 said he did not remember speaking with the Complainant. He noted that other officers generally cover the phones when the precinct support officer takes lunch or a break. NE#1 did not recall whether anyone covered for him on October 14, 2023.

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### **Analysis and Conclusions:**

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

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

The Complainant alleged that NE#1 was rude and failed to assist him with filing a follow-up report.

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.*

There is insufficient evidence to determine whether this allegation occurred as alleged. The Complainant alleged that an unidentified male officer at the North Precinct was rude over the phone. The Complainant partially corroborated this with a cell phone screenshot showing that he called the North Precinct on October 14, 2023 morning. OPA determined that the Complainant likely spoke with NE#1. NE#1 denied remembering speaking with the Complainant and denied being rude to community members generally. Moreover, OPA could not rule out the possibility that the Complainant spoke with a different North Precinct officer. Finally, the call was not recorded, so there is no objective proof of what transpired.

Accordingly, since the evidence neither proves nor disproves this allegation, OPA recommends a Not Sustained – Inconclusive finding.

Recommended Finding: **Not Sustained - Inconclusive**