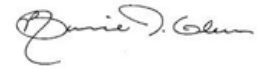

Issued Date: JULY 15, 2024

From: Deputy Director Bonnie Glenn on Behalf Of Director Gino Betts, Jr.
Office of Police Accountability



Case Number: 2024OPA-0053

Allegations of Misconduct & Director's Findings

Named Employee #1

1. **Allegation #1:** 5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional

Finding: Not Sustained - Unfounded (Expedited)

Named Employee #2

1. **Allegation #1:** 5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional

Finding: Not Sustained - Unfounded (Expedited)

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections may be written in the first person.

Executive Summary:

The Complainant alleged that Named Employee #1 (NE#1) and Named Employee #2 (NE#2) unprofessionally failed to document a court order violation he was reporting.

Administrative Note:

This case was approved for Expedited Investigation. That means OPA, with the Office of Inspector General's (OIG) agreement, believed it could issue recommended findings based solely on its intake investigation without interviewing the named employees. As such, OPA did not interview the named employees in this case.

On February 23, 2024, OIG certified OPA's investigation as thorough, timely, and objective.

Summary of Investigation:

On January 20, 2024, the Complainant filed an OPA complaint, writing he called the police when the respondent to a restraining order attempted to contact him. The Complainant wrote that the

responding officer refused to write a report about the court order violation. The Complainant also wrote that an officer at the West Precinct refused to write a report about the court order violation.

OPA investigated the complaint, reviewing the computer-aided dispatch (CAD) call report, body-worn video (BWV), police reports, and audio recording. OPA also interviewed the Complainant.

On January 20, 2024, at 2:59 PM, CAD call remarks noted, “[REPORTING PARTY] IS BEING FOLLOWED BY SOMEONE WHO HE HAS A[] [NO-CONTACT ORDER] AGAINST. SUSP[ECT] ALSO POINTED A GUN AT [REPORTING PARTY]. [REPORTING PARTY] DRIVING [SOUTHBOUND] ON LAKE CITY.” At 3:03 PM, dispatch noted that the reporting party requested a standby while he retrieved his belongings from his apartment. Dispatch also noted that the reporting party had a concealed pistol license but refused to say whether he had his gun on him.

NE#1’s BWV captured the following:

NE#1 and a witness officer were in a patrol vehicle and discussed their discomfort about the Complainant being armed and refusing to be pat down. NE#1’s incident report documented that, according to dispatch, the Complainant was identified as a violent offender or a serious threat to law enforcement, so “extreme caution” was advised. NE#1 called the Complainant and asked whether he was armed, but he refused to answer. NE#1 offered to take the Complainant’s report over the phone. The Complainant said the respondent violated a restraining order, and then took issue with providing his report over the phone. NE#1 said she would not meet the Complainant unless he consented to a pat down, but the Complainant refused because he said a pat down was irrelevant to the restraining order violation. NE#1’s incident report documented that standard operating procedure was to perform a pat down if officers suspected a person was armed. NE#1 again offered to take his report over the phone, but the Complainant refused. NE#1 suggested the Complainant go to the North Precinct, but the Complainant said he would handle it himself. The Complainant said he wanted to meet in person and provide documents, but NE#1 refused to meet without a pat down and again offered to take his report over the phone. The Complainant refused, and NE#1 terminated the call.

NE#2’s BWV captured the following:

The Complainant approached the West Precinct’s front counter and spoke with NE#2. NE#2 provided the Complainant with domestic violence (DV) paperwork and told him that DV Unit officers would write a report. NE#2 said the DV Unit served the court order on the respondent. The Complainant asked what he should do if the respondent contacted him, and NE#2 said to call 911. NE#2 again said the DV Unit officers would write a report about the incident. The Complainant expressed confusion, saying he did not provide a statement to anyone. The Complainant asked to speak with an officer to make a report, but NE#2 advised the Complainant to contact the DV Unit since DV Unit officers heard the Complainant’s account of the incident and documented it in a report. The Complainant provided a sheet of paper to NE#2, grabbed his paperwork, and exited the West Precinct.

The named employees’ police reports were consistent with BWV observations.

On February 5, 2024, OPA interviewed the Complainant. The Complainant said the respondent to a restraining order followed him to his car, so he called 911. The Complainant said he spoke on the phone with NE#1, who refused to meet him unless he consented to a pat down. The Complainant said NE#1 offered to take his report over the phone. The Complainant said NE#2 was dismissive, had a poor attitude, and asked strange questions. The Complainant said NE#2 refused to take his report. The Complainant described his difficulty interacting with the police, claiming that officers assume he is armed because he was placed on a cautionary list 15 years ago.

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 that NE#1 unprofessionally refused to take his report.

This allegation is unfounded. NE#1 provided the Complainant with two options to take his report—neither of which the Complainant accepted. First, NE#1 repeatedly offered to take the Complainant’s report over the phone. Second, NE#1 told the Complainant that she would meet with him if he consented to a pat down—a reasonable request given dispatch’s warnings about the Complainant posing a serious threat to law enforcement and the Complainant’s refusal to disclose whether he was armed. Although the Complainant was dissatisfied with these options, based on the evidence provided, NE#1 remained professional throughout her interaction with the Complainant.

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

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

The Complainant alleged that NE#2 unprofessionally refused to take his report.

Although NE#2 did not take the Complainant’s report, NE#2 advised the Complainant to contact DV Unit officers since they already documented the Complainant’s account in a report. NE#2’s recommendation was reasonable since DV Unit officers were familiar with the Complainant’s account and could document any follow-up information. NE#2 provided the Complainant with a DV pamphlet and contact information for the DV Unit. Even though the Complainant was dissatisfied with this resolution, based on the evidence provided, NE#2’s overall interaction with the Complainant was not unprofessional.

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

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