



CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 27, 2025

FROM: INTERIM DIRECTOR BONNIE GLENN
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0362

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
# 2	16.090 – In-Car and Body-Worn Video, 16.090-POL-2 Sworn Employees Recording Police Activity, 2. When Employees Record Activity	Not Sustained - Training Referral

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 that Named Employee #1 (NE#1) was unprofessional by stating that Community Member #1 (CM#1)—the Complainant's 11-year-old son, who had epilepsy and a history of seizures—looked dazed and high, while also threatening to arrest the Complainant if she smoked. Additionally, it was alleged that NE#1 did not record this encounter on his body-worn video (BWV).

ADMINISTRATIVE NOTE:

On January 16, 2025, the Office of Inspector General certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

On September 8, 2024, the Complainant submitted an OPA complaint detailing an encounter with NE#1. The Complainant reported that NE#1 approached her and asked about CM#1's well-being, to which she said he was fine. NE#1 then commented about CM#1's mouth being open and looking "high." She told NE#1 that CM#1 had epilepsy and a history of seizures but did not use narcotics. NE#1 allegedly dismissed that explanation, turned to leave, and remarked, "Don't let me catch you smoking." The Complainant alleged that NE#1's conduct was unprofessional.

OPA investigated the complaint by reviewing the Complainant's video and photograph. OPA also interviewed the Complainant, NE#1, and Witness Officer #1 (WO#1). The Complainant's statements during her OPA interview were consistent with her OPA complaint. She said WO#1 acted professionally and was not involved in her complaint.

The Complainant provided OPA with a 33-second video capturing a portion of her encounter with NE#1 and WO#1. This encounter occurred on a sidewalk. The video began with the Complainant telling the officers, "Get the fuck away from me." An officer asked about CM#1's well-being, to which she replied that CM#1's behavior was a result of



seizures. She commented, “But to say that he’s high – that’s fucked up.” An officer asked whether CM#1 required medical attention, to which she reiterated that CM#1’s seizures caused him to stare blankly and demanded they leave. An officer mentioned that he was pleased to check on CM#1’s well-being. The Complainant then stated, “Now you guys know what the – what the reason is, so get the fuck on.” An officer replied, “We are moving on. That’s all we’re doing.” The officers grabbed their police bicycles and seemed to be preparing to leave. The Complainant remarked, “Your bitch ass needs to watch your mouth, bitch.” An officer cautioned, “Don’t give us a reason.” She asked, “A reason for what?” The officer replied, “To smoke. We will arrest you.” The Complainant’s video concluded as the officers began to ride away.¹

The Complainant’s video and picture depicted NE#1 without his BWV activated, which would have been indicated by a red blinking light had it been activated. OPA was unable to find any BWV capturing the encounter.

On January 2, 2025, OPA interviewed NE#1, who provided the following account of the encounter. NE#1 and WO#1 were on bicycle patrol conducting proactive policing, focusing in an area known for crime and drug use. While cycling past, NE#1 saw the Complainant and CM#1, with his eyes rolled back and his mouth agape and drooling. Such observation was familiar to NE#1 based on his training and experience. Concerned, NE#1 asked the Complainant about CM#1’s well-being, to which she explained that CM#1 had epilepsy and was escalating. NE#1 and WO#1 opted to de-escalate the situation and disengage.

NE#1 expressed uncertainty about whether CM#1 was under the influence of narcotics, though he assumed this to be the case before contacting the Complainant. NE#1 said his suspicion was dispelled when she told him that CM#1 had epilepsy. NE#1 denied asking about CM#1’s or the Complainant’s potential narcotics use. NE#1 denied commenting about CM#1 looking “high.” NE#1 denied seeing behavior from the Complainant consistent with narcotics use and denied warning her with arrest. OPA played the Complainant’s video and asked about the officer’s statement (“To smoke. We will arrest you”). NE#1 could not identify who made that comment but noted that such warnings were a standard practice in proactive policing within that area and that people typically did not take offense to them. NE#1 acknowledged that reasonable people might be offended if officers approached and, without justification, assumed that they were using narcotics.

NE#1 said he did not activate his BWV because he regarded his encounter with the Complainant as a social contact. NE#1 said the Complainant was not detained, and he was conducting a welfare check, not a criminal investigation. While he admitted to initially suspecting that CM#1 might have been under the influence of narcotics before their encounter, NE#1 and WO#1 were uncertain and aimed to determine whether CM#1 or the Complainant required assistance. NE#1 emphasized that the contact was not driven by merely a suspicion of CM#1’s potential narcotics use. NE#1 did not view the Complainant or CM#1 as a potential victim, witness, or suspect. NE#1 said the consensual contact may have escalated to a detention or investigation had he saw narcotics indicators, requiring him to activate his BWV.

On January 10, 2025, OPA interviewed WO#1. WO#1 recalled that NE#1 indicated a desire to check on a child, prompting WO#1 to follow NE#1, who subsequently contacted the Complainant. WO#1 said the Complainant became upset, leading to their departure. WO#1 denied commenting that CM#1 looked “high” or hearing NE#1 say the same. OPA played the Complainant’s video and asked about the statements. WO#1 was unable to distinguish his voice from

¹ The Complainant’s recording device was aimed at the officer’s legs, hindering OPA’s ability to determine which officer made specific statements during the encounter.



NE#1's. WO#1 said officers frequently warned people in that area about a potential arrest for narcotics use, given the prevalence of such activity. WO#1 denied seeing narcotics indicators from the Complainant but insisted that the encounter was not driven by those concerns. WO#1 believed the Complainant felt offended before the arrest warning was issued.

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 was unprofessional during his encounter with her.

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.* Employees will 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 anyone. *Id.*

Here, the evidence indicated that NE#1 told the Complainant that CM#1 looked “high,” despite NE#1’s denial. In the Complainant’s video, she commented, “But to say that he’s high – that’s fucked up,” implying that she was reacting to NE#1’s statement. Even if OPA were to assume that NE#1 made this remark, it would not be unreasonable, considering NE#1’s physical observations of CM#1. While OPA does not consider this comment to constitute misconduct that violates SPD’s professionalism standards, OPA cautions NE#1 to be mindful of his communication with community members. Specifically, NE#1 could have opted to inquire about CM#1’s well-being rather than commenting about CM#1 looking “high,” which carries an accusatory tone.

Additionally, the Complainant expressed concern regarding NE#1’s arrest warning. This warning was recorded in her video, although NE#1 and WO#1 could not identify the source of that statement. The Complainant maintained that NE#1 was the officer who issued that warning. The evidence also indicated that NE#1 was the primary officer facilitating the dialogue between himself and the Complainant. While it is not unprofessional for officers to inform community members of officers’ lawful powers, including the authority to arrest for criminal law violations, OPA again cautions NE#1 to be mindful of his communication with community members, particularly in tense situations where CM#1 was perceived to be wrongly accused of narcotics use. OPA credits NE#1’s decision to disengage once his suspicions were dispelled.

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

Recommended Finding: **Not Sustained – Unfounded**

Named Employee #1 – Allegation #2

16.090 – In-Car and Body-Worn Video, 16.090-POL-2 Sworn Employees Recording Police Activity, 2. When Employees Record Activity

It was alleged that NE#1 did not record his interaction with the Complainant on BWV.



When safe and practical, sworn employees will record police activity, even if the event is out of view of the camera. SPD Policy 16.090-POL-2(2). Police activity includes, among other things, questioning “victims, suspects, or witnesses (this does not include conversations with persons merely wishing to pass on information about general criminal activity not tied to a specific event).” *See id.* If circumstances prevent recording at the start of an event, the employee will record as soon as practical. *Id.* Sworn employees will record the entire event to its conclusion unless specifically instructed otherwise by SPD policy. *Id.*

OPA was unable to locate NE#1’s BWV related to this incident. NE#1 should have activated his BWV before approaching the Complainant. NE#1 told OPA that he initially cycled past the Complainant and CM#1 but returned upon observing CM#1 with his eyes rolled back, mouth open, and drooling, suggesting possible narcotics use. At that moment, NE#1 was uncertain whether he was addressing the Complainant as a victim, suspect, or witness, but he was required to record the encounter since he initiated the contact and suspected possible criminal activity. Although NE#1 argued that the interaction was merely a social contact or welfare check, this justification was undermined by his own admission of suspecting CM#1 of narcotics use. Given NE#1’s misinterpretation of the situation regarding the requirement for BWV activation and the absence of any sustained BWV policy violation in his record, OPA recommends that NE#1 undergo retraining and counseling. NE#1 is now on notice that any future BWV policy violation may lead to a sustained finding.

Accordingly, OPA recommends this allegation be Not Sustained – Training Referral.

- **Training Referral:** NE#1’s chain of command should discuss OPA’s findings with him, review SPD Policy 16.090-POL-2(2) with him, and provide any other retraining and counseling it deems necessary. Any retraining and counseling should be documented and maintained in Blue Team.

Recommended Finding: **Not Sustained – Training Referral**