



CLOSED CASE SUMMARY

ISSUED DATE: NOVEMBER 8, 2019

CASE NUMBER: 2019OPA-0355

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 10. Employees Shall Strive to be Professional	Not Sustained (Unfounded)

Named Employee #2

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 10. Employees Shall Strive to be Professional	Not Sustained (Unfounded)

Named Employee #3

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 10. Employees Shall Strive to be Professional	Not Sustained (Unfounded)

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 Employees treated him unprofessionally in their encounter with him during an incident that took place on May 12, 2019.

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the OPA Auditor’s review and approval, believed that it could reach and issue recommended findings based solely on its intake investigation and without interviewing the Named Employees. As such, the Named Employees were not interviewed as part of this case.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

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

Officers, including Named Employee #1 (NE#1), Named Employee #2 (NE#2), and Named Employee #3 (NE#3), responded to a 911 call regarding an in-progress disturbance at a building. The call involved a female who was reportedly “banging on the door and ringing the doorbell.” Upon arrival, NE#1 and NE#2 contacted the female subject, who was inside the lobby of the building speaking with building staff. The female told the officers that she was the previous caregiver for the Complainant’s mother and that she was at the apartment building to inquire



about money that she was still owed. The female stated that, after she rang the Complainant's doorbell twice, the Complainant opened the door, told her not to bother his mother, and slammed the door in her face. In response, the female stated that she rang the doorbell again, but then went to the lobby after she overheard the Complainant calling for the police.

The Complainant told officers that the female banged on his door and then proceeded to yell and ring the doorbell for approximately 10 to 15 minutes. The Complainant stated that he attempted to ignore her efforts, but she would not leave, so he contacted the police. The Complainant acknowledged that the female was owed money but said that he had approximately 30 days to pay her. The officers told the Complainant that they would explain that to the female but indicated to him that the female could take him to court if he did not pay her. The officers noted on their report that the Complainant became angry with them after they explained what might happen if he did not pay the female. The officers also noted that the Complainant then told them that he wanted to press charges against the female for banging on the door and that, in response, they told him that there was no damage and that no crime had been committed.

The Complainant later initiated this complaint with OPA. As part of its investigation, OPA interviewed the Complainant. He alleged that the demeanor of the Named Employees was aggressive and threatening. The Complainant also stated that he was told that the officers would not write a report, and that the officers instructed him to pay the monies he owed. He further alleged that the Named Employees just shrugged and walked away when the Complainant asked them to file charges against the female for damaging his door. Additionally, the Complainant alleged that none of the officers activated their Body Worn Video (BWV) cameras during this encounter.

OPA obtained and reviewed the Named Employees' BWV. The BWV confirmed that the Named Employees' cameras were recording during this incident and that the Complainant was told that the officers were audio and video recording.

Policy 5.001-POL-10 requires that SPD employees "strive to be professional at all times." The policy further instructs that "employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers." 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.*) Lastly, the policy instructs Department employees to "avoid unnecessary escalation of events even if those events do not end in reportable uses of force." (*Id.*)

Based on OPA's review of the record – most notably, the BWV, I find that the evidence establishes that the Named Employees conducted themselves professionally and according to policy during this incident. At no time were the Named Employees threatening or aggressive towards the Complainant. The Named Employees did not direct the Complainant to pay the caregiver, but explained to him that, if he did not, she could take him to court. There was also no indication from the BWV that the Named Employees stated that they would not complete a report, as the Complainant contended. The BWV further supported the Named Employees' account that there was insufficient damage to the door to warrant criminal charges against the caregiver. While the Complainant later alleged a chip to the door frame, he did not raise this with the Named Employees at the time. Lastly, the BWV confirmed that none of the Named Employees ever raised their voices or used derogatory or dismissive language towards the Complainant.



As the Named Employees acted professionally during this incident, OPA recommends that this allegation be Not Sustained – Unfounded as against them.

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

Named Employee #2 - Allegations #1

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

For the same reasons as stated above (see Named Employee #1, Allegation #1), I recommend that this allegation be Not Sustained – Unfounded.

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

Named Employee #3 - Allegations #1

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

For the same reasons as stated above (see Named Employee #1, Allegation #1), I recommend that this allegation be Not Sustained – Unfounded.

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