



## CLOSED CASE SUMMARY

ISSUED DATE:     OCTOBER 11, 2018

CASE NUMBER:     2018OPA-0335

### 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)

**Named Employee #4**

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 the Named Employees were unprofessional when they stated that they would break down his door, entered and damaged his property, and threatened him.

**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.



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**ANALYSIS AND CONCLUSIONS:**

**Named Employee #1 - Allegations #1**

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

The Complainant alleged that the Named Employees engaged in unprofessional behavior towards him. Specifically, the Complainant contended that the Named Employees stated that they would break down his door, entered and damaged his property, and threatened him.

OPA's investigation indicated that the Named Employees responded to the Complainant's residence based on a call from the Auburn Police Department (APD). The officers were informed that two juveniles, who had been reported missing, may have been at the Complainant's residence. The Complainant is the juveniles' father. The officers were informed that APD had been unable to contact the Complainant to determine the status of the juveniles.

OPA obtained and reviewed the Body Worn Video (BWV) for the Named Employees. The BWV captured that, prior to interacting with the Complainant, the Named Employees discussed that they had been at that location recently and had almost needed to break the door down. The officers then opened the gate to the Complainant's home, walked up to his door, and knocked. The Complainant spoke to them through the door. The officers identified themselves, stated that they were looking for the juveniles, and asked whether the juveniles were in the residence. The Complainant stated that they were not. The officers asked if the Complainant knew where they were and the Complainant told them that he "had no idea." The Complainant then told the officers that if they did not have a warrant they should get out of his yard. The officers confirmed that they did not have a warrant.

Named Employee #1 (NE#1) reminded the Complainant that the last time the officers were at his residence they threatened to break down his door and that, when they stated that they were going to do so, the Complainant told them that the juveniles were in the residence. The Complainant again asked for a warrant. NE#1 responded: "That's fine. I can sit outside and I can write the warrant. It won't take me very long." The officers again asked if the Complainant would just confirm whether the juveniles were in the residence and he did not respond. The Named Employees then left the Complainant's property and had no further interactions with him.

SPD Policy 5.001-POL-9 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." (SPD Policy 5.001-POL-9.) 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.*)

From my review of the BWV, I find no evidence that the officers engaged in unprofessional behavior. First, none of the officers told the Complainant that they were going to break his door down. NE#1 referenced that this was discussed on a prior occasion, but no such statement was made during this incident. Second, while the officers entered his front yard and walked to his front door, this was not prohibited by law. Indeed, the officers were permissibly in that location (which had no signs prohibiting trespassing) to investigate two missing juveniles.



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Moreover, there was no indication from the BWV that the officers caused any damage to the Complainant's property. Third, and last, there is no evidence of any of the officers making any threats towards the Complainant.

I note that OPA attempted to interview the Complainant on multiple occasions; however, he refused to participate in this interview. As such, he has offered no support for his allegation of unprofessional conduct by the officers.

For these reasons, I recommend that this allegation be Not Sustained – Unfounded as against all of the Named Employees.

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)**

**Named Employee #4 - 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)**