



CLOSED CASE SUMMARY

ISSUED DATE: MARCH 21, 2019

CASE NUMBER: 2018OPA-0929

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	Sustained

Imposed Discipline

Written Reprimand

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 Employee was unprofessional during a 911 call.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

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

The Complainant initiated this complaint based on what she perceived to be unprofessional behavior by Named Employee #1 (NE#1). The incident stemmed from a call the Complainant made to 911 that was handled by NE#1, who is assigned as a dispatcher. In her emailed complaint, the Complainant asserted that NE#1 was abrasive and accused her of wasting his time. She further stated that NE#1 hung up on her. The Complainant reiterated her complaints during her OPA interview. She said that NE#1 was patronizing and that he did not treat her fairly or kindly. She stated that she felt that NE#1 treated her as if she was a suspect in court. The Complainant recounted that NE#1 got frustrated with her because she did not answer the questions as he wanted her to. She stated that she did not feel that her questions fit NE#1’s script. She told OPA that she asked NE#1 to slow down and he again grew frustrated. She alleged that NE#1 told her that she was wasting his time and that he had more important calls to deal with. She said that he told her that he was not trying to be rude but was simply doing his job, and that she was preventing him from doing so. Lastly, she stated that NE#1 concluded the call by saying that he had more important things to do and that she should not take that personally. She told OPA that NE#1 then hung up on her.

During its investigation, OPA reviewed the entirety of the 911 call. During the call, NE#1 was curt and often asked staccato pointed questions. When the Complainant did not directly answer what he was asking, he would cut her off and re-ask the question. At one point, when responding to a question concerning the incident, the Complainant started to discuss what had occurred earlier that morning. NE#1 cut her off, stating: “no, no, no, no, stop, stop, stop, stop.” He clarified that he was asking about what was occurring at that moment, told her to follow his lead, and stated that he had other emergency calls that could not get through because he was on the call with the Complainant. The Complainant, herself, appeared to grow frustrated with the manner in which NE#1 was handling



the call. She stated to him: "I don't understand. Why are you being so rude." NE#1 stated that he was not being rude and told her: "Take a breath. Take a breath. I'm not being rude. You're confused. It's early. I know you're tired, but I'm awake and on fire and I'm helping people with what you're helping with all day long." The Complainant then accused NE#1 of berating her with questions. He explained that he was required to ask her pointed questions and stated: "Either way, we have to move 'cause I have emergencies holding. We're really busy." NE#1 told her that it was not "personal" and that she had done a "good job." This did not appear to assuage the Complainant's concerns and she stated to NE#1: "No one's ever treated me like this." NE#1 told her that he was not treating her in any particular way. He explained that it was his job to ask pointed questions and to quickly process the call. The Complainant then alleged that NE#1 was patronizing her. He denied doing so, again explained what he was doing, and told her that he needed to "move on." He then disconnected the call after telling the Complainant that he had other emergencies, that it was not "personal," and that it was just "business."

As part of its investigation, OPA interviewed NE#1. He denied that he was unprofessional during this incident. He told OPA that he handled this call consistent with his training and experience. He stated that he understood his responsibility to be to obtain accurate and complete information from callers as quickly as possible and to then move on to other calls. NE#1 stated that, as part of his employment, he received training on handling calls professionally and efficiently. He explained that there was not necessarily a time limit for calls but the expectation was that dispatchers would complete calls as quickly as they could. NE#1 acknowledged that he was curt during the call, particularly at the end. However, he stated that it was a fairly long call, at approximately seven minutes. He noted that he did not say, as the Complainant contended, that she was wasting his time. NE#1 further noted that he did not hang up on the Complainant, but that he disconnected the call after telling her that he was going to do so.

SPD 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." (SPD Policy 5.001-POL-10.) 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.*)

The 911 recording is clear that NE#1 did not use profanity during the 911 call, did not use derogatory and/or contemptuous language towards the Complainant, and did not yell or raise his voice. He was, however, repeatedly curt to the point of being rude and repeatedly cut the Complainant off. OPA can understand why the Complainant felt that NE#1 was being abrasive, dismissive, and condescending. Moreover, the manner in which NE#1 approached this case is not unique. OPA has now seen several cases in which individuals have alleged that NE#1 handled 911 calls unprofessionally. Indeed, OPA has seen more allegations of unprofessionalism against NE#1 in the past nearly two years than against any other dispatcher. There is no evidence in the record suggesting that this can be explained away by NE#1 taking more calls than average. Moreover, the argument that he is simply acting consistent with his training is countered by the fact that no other call taker receives OPA complaints at the same rate.



At this point, the common denominator is NE#1 and his approach. In a past OPA case (2017OPA-1137), OPA issued a Training Referral for similar conduct. That Training Referral was thoughtfully and thoroughly carried out by NE#1's supervisors; however, given NE#1's conduct in this case, it does not seem to have made a difference. As such, the only remedy available to OPA is to recommend that this allegation be Sustained. Hopefully, this will serve as a message to NE#1 that the manner in which he takes calls and treats callers is not acceptable.

Recommended Finding: **Sustained**