



CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 25, 2019

CASE NUMBER: 2018OPA-0870

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 (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 vehicles driven by the Named Employee regularly exited the Southwest Precinct at a high rate of speed and at an undue volume.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

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

OPA received multiple complaints, including one from the Complainant, alleging that several vehicles were regularly leaving the Southwest Precinct at high rates of speed. The Complainant further alleged that the vehicles were making an undue amount of noise when doing so, both from their exhaust and from the spinning of tires. The Complainant stated that he had spoken with an officer at the Southwest Precinct who told him that this would be dealt with, but that the issue had not been rectified and, instead, had gotten worse. The Complainant provided the make and model of two vehicles in particular, as well as a general description of the driver.

OPA’s investigation indicated that both of the vehicles identified by the Complainant were owned by Named Employee #1 (NE#1). NE#1 also matched the description provided by the Complainant.

When he was interviewed by OPA, NE#1 acknowledged that he owned the cars identified by the Complainant, but he denied that he drove them at excessive speeds or that he made undue noise while leaving the precinct. He stated that the exhaust for both of his cars had not been modified to be louder and that he did not know how to spin his tires. NE#1 opined that the Complainant had identified his cars as those engaging in this conduct simply by walking by the parking lot and writing down his license plates. NE#1 told OPA that the complaints of vehicles leaving the precinct quickly and loudly had been previously addressed by the precinct Captain.



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.)

If NE#1 was repeatedly engaging in the behavior identified by the Complainant, he would have acted inconsistent with this policy. However, when applying a preponderance of the evidence standard, I cannot conclusively prove that NE#1 did so. Notably, he denied engaging in this conduct and there is no video evidence contradicting his account. I note, however, that I see no motive for the Complainant to have fabricated that this behavior was ongoing, and it seems unlikely that, as NE#1 posited, the Complainant would have simply identified NE#1’s vehicles at random. As such, while I cannot recommend that this allegation be Sustained based on the available evidence, I recommend that NE#1 receive the below Training Referral.

- **Training Referral:** NE#1’s chain of command should again discuss the Complainant’s allegations with NE#1 and instruct him that, if he is engaging in the conduct identified by the Complainant, he should stop doing so. The Southwest Precinct chain of command should consider more closely scrutinizing the vehicles leaving the precinct, including doing so at NE#1’s time of departure. Lastly, the chain of command should again remind its officer to not engage in the behavior identified by the Complainant, as it appears that the prior admonition was not impactful given that the conduct allegedly remains ongoing. This counseling and any associated retraining should be documented, and this documentation should be maintained in an appropriate database.

Recommended Finding: **Not Sustained (Training Referral)**