



CLOSED CASE SUMMARY

ISSUED DATE: MAY 3, 2019

CASE NUMBER: 2018OPA-1172

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)

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 and not helpful.

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

The Complainant called 911 and Named Employee #1 (NE#1) responded to the scene. NE#1 contacted the Complainant and their subsequent interaction was captured on NE#1’s Body Worn Video (BWV). The Complainant told NE#1 that, when he was parked in the parking lot at his apartment building, an elderly White woman questioned him about whether or not he was a resident of the building and “looked at him wrong.” The Complainant, who is African-American, asserted to NE#1 that he believed that the woman racially profiled him. NE#1 empathized with the Complainant and wrote down what he told her; however, she informed him that there was likely no criminal act that had been committed by the woman. NE#1 gave the Complainant a report number, informed him that she was going to contact building management, and then left the scene.



The Complainant later initiated this OPA complaint in which he contended that NE#1 was rude to him during their interaction. He further stated that NE#1 failed to provide him with her badge number. During its investigation, OPA attempted to interview the Complainant. The Complainant stated that he wanted OPA to communicate with him through his attorney; however, the Complainant did not provide OPA with his attorney's contact information.

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.)

Based on OPA's review of the BWV, the Complainant's allegation that NE#1 was rude or unprofessional lacks merit. To the contrary, she was patient, kind, and respectful to him. She listened to him and fully documented what he told her. NE#1 handled this call appropriately and, at all times during her interaction with the Complainant, behaved professionally.

I further note that, while the Complainant is correct that NE#1 did not orally provide her badge number to him, she had no obligation to do so at that time. Notably, during their conversation, the Complainant, who was recording NE#1, asked her for her name and she gave it to him. The Complainant never asked NE#1 for her badge number. Had he done so, I have no doubt that NE#1 would have provided that information. Moreover, at the conclusion of their interaction, NE#1 gave the Complainant a business card and a report number. Both would have contained her badge number.

For the above reasons, I recommend that this allegation be Not Sustained – Unfounded.

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

Named Employee #2 - Allegations #1

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

Based on its investigation and due to the limited information provided by the Complainant, OPA was unable to identify an unknown officer who was unprofessional during this incident. As such, I recommend that this allegation be Not Sustained – Unfounded.

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