



CLOSED CASE SUMMARY

ISSUED DATE: SEPTEMBER 4, 2019

CASE NUMBER: 2019OPA-0193

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy	Not Sustained (Unfounded)

Named Employee #2

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy	Not Sustained (Unfounded)

Named Employee #3

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy	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 assaulted him when he was arrested.

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the Office of Inspector General’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 2. Employees Must Adhere to Laws, City Policy and Department Policy

According to SPD reports, Named Employee #1 (NE#1), Named Employee #2 (NE#2), and Named Employee #3 (NE#3) responded to multiple 911 calls reporting that the Complainant had assaulted multiple citizens and damaged a vehicle. There was a description of the Complainant that was given to SPD dispatchers, which was then relayed to the Named Employees. As the Named Employees were arriving in the area, they observed victims who were



bleeding and visibly distraught. The victims updated the Named Employees on the Complainant's direction of flight. The Named Employees located the Complainant and gave him verbal commands to stop, but he was uncooperative and tried to walk away. Though the Complainant offered minor levels of resistance, the Named Employees took him into custody without using any reportable force.

When the Sergeant who screened the arrest viewed the In-Car Video (ICV) and Body Worn Video (BWV), he reported hearing the suspect yelling out that the Named Employees were assaulting him. Given the nature of that allegation, the Sergeant referred this matter to OPA, and this investigation ensued.

During its investigation, OPA attempted to interview the Complainant; however, he declined to participate in an interview. OPA further reviewed the ICV and BWV associated with this incident and found it to be consistent with what was reported by the officers. The videos contained no evidence that the Complainant was assaulted or otherwise harmed by the Named Employees or any other officers.

SPD Policy 5.001-POL-2 requires that employees adhere to laws, City policy, and Department policy.

The Complainant's initial contact with the Named Employees, his arrest, and subsequent communication with the Sergeant were fully captured on ICV and BWV. The video evidence establishes that the conduct alleged by the Complainant did not occur. It also conclusively disproves that the Named Employees violated any laws or policies during their encounter with the Complainant, including disproving that they assaulted the Complainant. For these reasons, I recommend that the allegations 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 2. Employees Must Adhere to Laws, City Policy and Department Policy

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 2. Employees Must Adhere to Laws, City Policy and Department Policy

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)**