



CLOSED CASE SUMMARY

ISSUED DATE: NOVEMBER 13, 2018

CASE NUMBER: 2018OPA-0147

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	4.02.050 Patrol Officers	Not Sustained (Inconclusive)
# 2	2.09.030 Use of Physical Force (Other Than Deadly Force) - When Justifiable	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, approximately 25 years ago, she dated an unknown SPD employee who mistreated her.

ADMINISTRATIVE NOTE:

As discussed more fully below, the unknown employee who was alleged to have engaged in misconduct was never identified by OPA. For this reason, the 180-day deadline, which normally governs OPA investigations, was inapplicable to this case. However, for administrative purposes, OPA has set the date of this Director’s Certification Memorandum, November 13, 2018, as the 180-day deadline.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

4.02.050 Patrol Officers

An off-duty SPD officer rode in an Uber driven by the Complainant. She told the officer that, approximately 25 years ago, she dated an unknown officer who mistreated her. She further stated that, during the period of time that she dated this individual, the unknown officer had been involved in a road rage incident during which he followed a vehicle into a parking lot while pointing a firearm at the occupants.

Based on the Complainant’s allegations, OPA referred this matter for criminal investigation. During that investigation, the assigned criminal investigator interviewed the Complainant on several occasions. The Complainant denied that the unknown officer ever pointed his firearm at her. She further denied telling the witness officer that the unknown officer pointed a firearm at other motorists. While she did reference other acts engaged in by the unknown officer, none of these acts rose to the level of criminal misconduct. The Complainant further stated that she did not recall the unknown officer’s name and that she only dated him a couple of times.



Given the above, there is insufficient evidence to establish that an unknown officer engaged in impermissible actions, including, but not limited to, pointing his firearm at the Complainant and others. Moreover, based on the evidence in the record, OPA cannot determine who this unknown officer was. Lastly, even if OPA could identify the unknown officer, the statute of limitations for these allegations has long since expired, which would preclude any discipline from being imposed even if the conduct in question was found to have occurred. As such, I recommend that this allegation be Not Sustained – Unfounded.

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

Named Employee #1 - Allegation #2

2.09.030 Use of Physical Force (Other Than Deadly Force) - When Justifiable

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)**