



## **CLOSED CASE SUMMARY**

ISSUED DATE:      OCTOBER 10, 2018

CASE NUMBER:     2018OPA-0339

### **Allegations of Misconduct & Director’s Findings**

**Named Employee #1**

<b>Allegation(s):</b>		<b>Director’s Findings</b>
# 1	15.180 - Primary Investigations 1. Officers Shall Conduct a Thorough and Complete Search for Evidence	Not Sustained (Inconclusive)
# 2	15.180 - Primary Investigations 5. Officers Shall Document all Primary Investigations on a General Offense Report	Not Sustained (Inconclusive)

***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 he told the Named Employee that he had video evidence of a crime but that the Named Employee did not collect that evidence or reference it in the General Offense Report.

#### **ANALYSIS AND CONCLUSIONS:**

##### **Named Employee #1 - Allegations #1**

##### ***15.180 - Primary Investigations 1. Officers Shall Conduct a Thorough and Complete Search for Evidence***

The Complainant alleged that he went to the Southwest Precinct to report that he had been threatened with a firearm by his co-worker. He stated that he told the Southwest Precinct clerk, Named Employee #1 (NE#1), that he had video evidence of the threat. However, the Complainant told OPA that NE#1 did not request the evidence, collect the evidence, or reference the evidence in the General Offense Report. The Complainant asserted that, as a result of him reporting this matter to SPD, he was terminated from his job. He indicated that he had retained an attorney. When OPA requested that he provide the video to be included as part of this investigation, the Complainant stated that he needed to speak with his attorney first. The video was not ultimately provided to OPA.

OPA interviewed NE#1. NE#1 recalled the report of the threat. NE#1 stated that the Complainant never informed him that there was video evidence. NE#1 told OPA that he put everything that the Complainant told him into the General Offense Report that he generated.

SPD Policy 15.180-POL-1 requires officers to conduct a thorough and complete search for evidence. Under this policy, had the Complainant told NE#1 that he was in possession of a video, NE#1 was required to collect that evidence. Here, the Complainant contended that he told NE#1 this information; however, NE#1 denied that this was the case. There was no video of their interaction. Moreover, there were no other witnesses to their discussion. Given this, I cannot conclusively determine whether NE#1 knew of the video evidence and, thus, whether NE#1 violated this policy by not collecting that evidence.



For these reasons, I recommend that this allegation be Not Sustained – Inconclusive.

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

**Named Employee #1 - Allegation #2**

***15.180 - Primary Investigations 5. Officers Shall Document all Primary Investigations on a General Offense Report***

SPD Policy 15.180-POL-5 requires that officers document all primary investigations on a General Offense Report. This policy requires the General Offense Report to be complete, thorough, and accurate. (SPD Policy 15.180-POL-5.)

If, as the Complainant alleged, NE#1 was informed of video evidence but neglected to reference this video evidence in the General Offense Report, this would cause the report to be incomplete, inaccurate, and not thorough. However, as discussed above, I cannot determine by a preponderance of the evidence whether this information was provided to NE#1. As such, I am required to recommend that this allegation be Not Sustained – Inconclusive.

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