



## **CLOSED CASE SUMMARY**

ISSUED DATE: NOVEMBER 14, 2018

CASE NUMBER: 2018OPA-0455

### **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)

***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 Employee attempted to run him over with his patrol car.

### **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 a recommended finding based solely on its intake investigation and without interviewing the Named Employee. As such, the Named Employee was 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***

The Complainant alleged that Named Employee #1 (NE#1) attempted to run him over while he was crossing against the “don’t walk” signal. Based on the Complainant’s allegations, this matter was referred to OPA and this investigation ensued.

During its investigation, OPA reviewed the Department video that captured the incident. The video depicted NE#1 stop the Complainant and attempt to give him an oral warning for jay-walking. However, at that time, the Complainant insisted that NE#1 was attempting to abuse his authority by trying to run him over with his police car and appeared to be upset from the beginning of the police contact. Notably, the Complainant did not deny committing the pedestrian infraction. NE#1 appeared to have been calm and professional during his interaction with the Complainant. Moreover, NE#1 called a supervisor to the scene to address the Complainant’s concerns, but the Complainant refused to wait for the supervisor to respond and walked away.

SPD Policy 5.001-POL-2 states that employees must adhere to laws, City policy, and Department policy. Had NE#1 attempted to assault the Complainant with his vehicle, he would have violated this policy. However, as established by the Department video, there is absolutely no evidence that he did so.

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

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