



## **CLOSED CASE SUMMARY**

ISSUED DATE: FEBRUARY 25, 2019

CASE NUMBER: 2018OPA-0905

### **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)

***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 sexually assaulted her when they took her into custody.

### **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 - Allegation #1**

***5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy***

Officers, including the Named Employees, were dispatched to a robbery call. The victim identified the Complainant as the suspect. The Complainant was then detained. Probable cause was developed to place the Complainant under arrest and, at that time, the Named Employees handcuffed her in front of a patrol vehicle. The Complainant resisted the Named Employees’ attempts to do so and, as a result, they had her lean over the patrol vehicle to better control her body. She was ultimately secured and taken into custody. The Complainant later alleged that the Named Employees sexually assaulted her.

SPD Policy 5.001-POL-9 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-9.) If, as the Complainant alleged, she was sexually assaulted by the Named Employees, this would have constituted a violation of this policy.



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This incident was fully recorded on Department video. The video conclusively disproved the allegation that the Named Employees sexually assaulted the Complainant or, for the matter, that they engaged in any misconduct whatsoever. As such, I find that this allegation is frivolous and I recommend that it be Not Sustained – Unfounded as against both Named Employees.

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

**Named Employee #2 - Allegation #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)**