



CLOSED CASE SUMMARY

ISSUED DATE: SEPTEMBER 3, 2018

CASE NUMBER: 2018OPA-0217

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 10. Employees Shall Strive to be Professional	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 was unprofessional when he touched her arm “seductively” after her arrest.

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 Employee. As such, the Named Employee was not interviewed as part of this case.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.001 - Standards and Duties 10. Employees Shall Strive to be Professional

Named Employee #1 (NE#1) responded to a report of threats by a female subject. When NE#1 responded to the location, he observed the Complainant, who matched the description of the subject. NE#1 approached her and made contact with her, but she did not respond to him. NE#1 believed that she was possibly under the influence of drugs. He continued to speak with her, but she was non-responsive. She also kept one of her hands in her pocket. Based on these factors, NE#1 made the decision to place her into handcuffs and, after doing so, frisked her for weapons. NE#1 spoke with the victim, who confirmed the threats and other disorderly conduct by the Complainant. NE#1 also spoke with an employee of the facility that the Complainant had been in, who confirmed that the facility wanted the Complainant to be trespassed.

The officers told the Complainant that she was trespassed and that if she returned to the facility, she could be arrested. The Complainant was then released from custody and the officers left the scene. Shortly thereafter, the officers received a call concerning a broken window at the facility. When they again responded to the scene, they were informed that the Complainant had broken the window and was trespassing. They located the Complainant and placed her under arrest. During her arrest, the Complainant used racial slurs and other pejorative terms towards



the officers. While NE#1 was walking her from the scene, the Complainant alleged that he was “seductively” touching her arm. NE#1 relayed this assertion to a supervisor. The supervisor tried to interview the Complainant, but she did not provide any information concerning her comment. The supervisor referred this matter to OPA.

OPA then commenced its investigation. After reviewing the relevant documents and Department video, OPA made the decision to proceed with this matter as an Expedited Investigation. OPA attempted to reach the Complainant multiple times to interview her, but was unsuccessful.

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.)

As a threshold matter, it is unclear what exactly the Complainant is alleging. I have no idea what she meant when she stated that NE#1 “seductively” touched her arm. The Department video showed no conduct on NE#1’s part consistent with this allegation and the Complainant did not respond to OPA’s requests to interview her. Based on my review of the evidence, I find that NE#1 did nothing contrary to policy during this incident. It further appears to OPA that the Complainant’s allegation is frivolous. Accordingly, I recommend that this allegation be Not Sustained – Unfounded.

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