



## CLOSED CASE SUMMARY

ISSUED DATE: SEPTEMBER 20, 2018

CASE NUMBER: 2018OPA-0291

### 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 engaged in perjury when he wrote false information in a probable cause statement.

### 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 - Allegations #1**

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

The Complainant is currently incarcerated at a state penitentiary. He claimed that Named Employee #1 committed perjury in a probable cause statement relating to a new case against him. In his letter setting forth this complaint, the Complainant did not provide any detail as to how NE#1’s statements constituted perjury.

OPA’s investigation indicated that the Complainant was incarcerated based on his conviction on nine counts of cyberstalking. After that conviction, SPD initiated a new investigation against the Complainant based on additional threats he allegedly made to witnesses, prosecutors, and the judge involved in his previous case. The probable cause statement drafted by NE#1 summarized information provided by two witnesses. OPA obtained and listened to the recordings of these witnesses’ interviews. In doing so, OPA determined that the probable cause statement accurately described what the witnesses said. The other documentation generated by NE#1 was similarly accurate.

SPD Policy 5.001-POL-2 requires that employees adhere to laws, City policy, and Department policy. The Complainant alleged that NE#1 violated this policy when he allegedly committed perjury.



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As discussed above, NE#1's probable cause statement accurately conveyed the information provided by the witnesses. Even if that information, itself, was false, NE#1's statement was still accurately conveyed what those witnesses said. As such, any claim that NE#1 committed perjury, or that he committed any misconduct, is meritless.

Notably, OPA attempted to interview the Complainant during this investigation but was unable to do so. As such, there is no support for his allegation of perjury aside from his vague submission. This is simply insufficient evidence to establish that a violation of policy occurred.

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

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