



CLOSED CASE SUMMARY

ISSUED DATE: APRIL 17, 2019

CASE NUMBER: 2018OPA-1104

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)

Named Employee #2

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 10. Employees Shall Strive to be Professional	Allegation Removed

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 inappropriately touches the Complainant’s genitals during a search incident to 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.

Additionally, in the initial version of this DCM, OPA failed to include an analysis of the allegation that an unknown SPD employee also engaged in unprofessional conduct. As discussed below, OPA found no evidence that any officer, let alone an unknown employee, engaged in any such misconduct. However, this DCM has been amended to address that allegation.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

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

The Complainant was arrested for a Department of Corrections warrant. Following his arrest, he was searched by Named Employee #1 (NE#1). The search was conducted and captured on BWV. After his detention, the Complainant filed a complaint with jail staff and alleged he was sexually assaulted by NE#1.



SPD Policy 5.001-POL-10 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-10.) If, in fact, NE#1 touched the Complainant inappropriately, that conduct would certainly undermine public trust. However, that is not the case here. NE#1 conducted a thorough and complete search which was consistent with policy, training, and relevant legal authority. This included searching the Complainant’s genital area. As such, I recommend that this allegation be Not Sustained – Unfounded.

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

Named Employee #2 - Allegations #1

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

As discussed above, it was further alleged that an unknown SPD employee may have also engaged in unprofessional conduct during this incident. OPA has found no evidence that any employee, let alone an unknown employee, did so. Accordingly, I recommend that this allegation be removed.

Recommended Finding: **Allegation Removed**