



CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 1, 2020

CASE NUMBER: 2019OPA-0765

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	8.200 - Using Force 1. Use of Force: When Authorized	Not Sustained (Unfounded)

Named Employee #2

Allegation(s):		Director's Findings
# 1	8.200 - Using Force 1. Use of Force: When Authorized	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 improperly pointed firearms at him.

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the review and approval of the Office of Inspector General for Public Safety, 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.

In addition, the Complainant also made allegations concerning what he perceived to be Named Employee #1's sexual orientation. Those allegations are frivolous, homophobic, and insulting and, as such, are not considered by OPA here.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

8.200 - Using Force 1. Use of Force: When Authorized

The Named Employees were dispatched to report of a potential burglary in progress. The caller reported that someone was trying to access his residence by saying that they worked for SPD. The caller also indicated that there had been mention of a shotgun by someone at the door. When the Named Employees arrived, they drew their firearms and held them at the low ready. They observed two individuals at the caller's door, one of whom was the Complainant. The Named Employees made contact with the individuals.

Named Employee #1 (NE#1) spoke with the Complainant while Named Employee #2 (NE#2) spoke with the other individual. They also spoke with the caller. Ultimately, given the conflicting stories provided by the involved parties, the Named Employees could not establish probable cause to make an arrest. After taking a few additional investigative steps, they left the residence.

The Complainant later alleged to a Department supervisor that the Named Employees improperly pointed firearms at his chest ("center mass"). This and other allegations were referred to OPA and this investigation ensued.

As part of its investigation, OPA reviewed the Body Worn Video (BWV) that fully captured this incident. The BWV conclusively established that the Named Employees did not point their firearms at Complainant or, for that matter, at anyone else. As such, this allegation is without a basis in fact and the Named Employees did not use excessive force. Moreover, even had they pointed their firearms at the Complainant and the other individual, it would likely have been consistent with policy and a reasonable use of force (firearm pointing is considered force under SPD policy) given that they were responding to an ongoing burglary and there was the report of a shotgun being involved.

As OPA ultimately concludes that the firearm pointing alleged by the Complainant did not occur, OPA recommends that this allegation be Not Sustained – Unfounded as against both NE#1 and NE#2.

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

Named Employee #2 - Allegations #2

8.200 - Using Force 1. Use of Force: When Authorized

For the same reasons as stated above (see Named Employee #1, Allegation #1), OPA recommends that this allegation be Not Sustained – Unfounded.

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