



CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 28, 2020

CASE NUMBER: 2020OPA-0011

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties 18. Employees Must Avoid Conflicts of Interest	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, a sergeant assigned to OPA, had a conflict of interest because she investigated an allegation against herself.

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the Office of Inspector General'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 18. Employees Must Avoid Conflicts of Interest

The Complainant in this case alleged that he was falsely arrested in 2013. This is the second OPA complaint concerning this arrest. The first OPA complaint, which was also filed by the Complainant, was investigated under 2016OPA-0056. In that investigation, OPA issued findings on several allegations. Given this, OPA is prohibited from again adjudicating those issues here.

However, this DCM does address the new allegations made by the Complainant concerning a current OPA employee – Named Employee #1 (NE#1). Specifically, the Complainant contended that NE#1 inappropriately took part in the investigation into 2016OPA-0056, in which she was alleged to have been involved.

After consultation with the Office of Inspector General for Public Safety, OPA assigned this investigation to one of its lead sergeant investigators and ensured that NE#1 was walled off from accessing any case information.

SPD Policy 5.001-POL-18 requires that Department employees avoid conflicts of interest. In this regard, the policy specifically provides the following: "Employees will not engage in enforcement, investigative, or administrative functions that create or give the appearance of conflicts of interest"; and "Employees will not investigate events

where they are involved. This also applies where any person with whom the employee has a personal relationship is involved in the event.” (SPD Policy 5.001-POL-18.)

OPA thoroughly reviewed the file and usage log for 2016OPA-0056. This review indicated that NE#1 was not a named employee in the original case and that she was not assigned by OPA to investigate any aspect of that case. OPA’s review also conclusively established that NE#1 never accessed the case file or any of the documents contained therein. Lastly, the underlying case documents indicated that, when NE#1 was assigned to the Sexual Assault Unit, her only involvement with the Complainant’s case was to screen his 2013 arrest. Other than a review of the documentation concerning the Complainant’s arrest, she was not involved in any aspect of the investigation and/or prosecution against him.

Given the above, OPA uncovered no evidence supporting a finding that NE#1 engaged in a conflict of interest. As such, OPA recommends that this investigation be Not Sustained – Unfounded.

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