



CLOSED CASE SUMMARY

ISSUED DATE: APRIL 6, 2020

CASE NUMBER: 2020OPA-0171

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	15.180 - Primary Investigations 5. All reports must be complete, thorough and accurate.	Not Sustained (Lawful and Proper)

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 wrote a report that was inaccurate. Specifically, the Complainant asserted that the report incorrectly identified who initially answered the door, as well as minimized the threats described by the Complainant.

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.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

15.180 - Primary Investigations 5. All reports must be complete, thorough and accurate

Named Employee #1 (NE#1) and Witness Officer #1 (WO#1) were dispatched to a disturbance. They were informed that the Complainant alleged via a neighbor that the suspect, who had crisis issues, was preventing him from leaving the apartment. The officers located the apartment and rang the doorbell. A third party opened the door. The officers asked where the Complainant was and saw him walking down the stairs towards the front door. The officers obtained preliminary information from the Complainant, including learning that the suspect was upstairs. The officers walked upstairs, attempted to communicate with the suspect, and were ultimately required to use force to take him into custody.

After arresting the suspect, the officers walked him outside and placed into the rear of a patrol vehicle. WO#1 went to speak with the Complainant while NE#1 began working on the report. Body Worn Video (BWV) captured the conversation between the Complainant and WO#1. Their conversation was repetitive and, at times, confusing. The Complainant told WO#1 that he felt threatened based on the suspect's demeanor and the suspect preventing him from leaving the apartment; however, the Complainant later stated that he did, in fact, leave the apartment to get food and that he did not try to do so again prior to calling the police. The Complainant further explained that the



suspect did not actually make a direct threat to harm him, did not touch his person, and that much of his fear of the suspect was based on previous interactions. WO#1 asked a number of follow-up questions and revisited the Complainant's account multiple times. While well-meaning, this added to the lack of clarity concerning the conduct that the Complainant was reporting and whether it actually rose to the level of threats in violation of law.

As discussed above, NE#1 completed the report concerning this incident. She wrote that a third-party answered the door when they initially made contact. She documented that the Complainant was eating food in his bedroom with the suspect and that he wanted to leave but did not feel safe to do so because of past interactions with the suspect. NE#1 reported that the Complainant told WO#1 that he did not actually try to leave his apartment or ask the suspect to allow him to leave his bedroom at any point. She lastly wrote that the Complainant "verified that no threats were ever made and that no assault occurred."

The Complainant later initiated this OPA complaint, in which he alleged that NE#1's report was inaccurate in two main respects. First, he asserted that he opened the door when the officers rang the doorbell, not a third-party. Second, he claimed that the report minimized the threats that he described to WO#1.

SPD Policy 15.180-POL-5 requires officers to document all primary investigations in a report. The report must be complete, thorough, and accurate.

Based on a review of the report and after watching the BWV, OPA finds that the report was sufficiently accurate and was compliant with SPD policy. As a starting point, the BWV clearly established that a third-party opened the door when the officers knocked. As discussed above, the Complainant then walked down the stairs and began speaking with the officers. With regard to the Complainant's second criticism of the report, NE#1 was correct that the Complainant was eating food in his room with the suspect and that he did not ever try to leave his room or apartment at that point. She was also correct that no physical assault ever took place between the Complainant and the suspect. Lastly, NE#1's reporting that no threats were actually made was not an unreasonable conclusion based on a review of the BWV. While the Complainant did generically state that he felt threatened, he did not, from OPA's analysis of the BWV, specifically identify what those threats were. Notably, at other points during his discussion with WO#1, the Complainant either downplayed the threats or indicated that his fear of the suspect was based on previous similar interactions. Given all of the above, OPA finds that NE#1's report was predominantly accurate in this respect and consistent with the weight of the evidence.

Accordingly, OPA recommends that this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained (Lawful and Proper)**