



CLOSED CASE SUMMARY

ISSUED DATE: JUNE 17, 2022

FROM: INTERIM DIRECTOR GRÁINNE PERKINS
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2021OPA-0523

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties 5.001-POL 6. Employees May Use Discretion	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:

It was alleged that on May 13, 2021, Named Employee #1 (NE#1) arrived at the scene of an altercation between two community members, wherein one community member had allegedly assaulted the other. The Anonymous Complainant alleged that once on scene, NE#1 took no police action, despite evidence that the assault had occurred.

ADMINISTRATIVE NOTE:

Due to present OPA staff limitations, this is an abbreviated Director's Certification Memorandum. At the Director's discretion, an expanded Director's certification Memorandum may be released at a later time.

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 involved employees. As such, OPA did not interview the involved employees in this case.

ANALYSIS AND CONCLUSIONS:

The Office of Inspector General certified this expedited investigation as thorough, timely, and objective. OPA's analysis is that the preponderance of the evidence does not establish that any policy violations occurred or rose to the level of misconduct.

Named Employee #1 - Allegation #1

5.001 - Standards and Duties 5.001-POL 6. Employees May Use Discretion

As indicated in SPD Policy 5.001-POL-6, "[e]mployees are authorized and expected to use discretion in a reasonable manner consistent with the mission of the department and duties of their office and assignment." This policy further



states that “[D]iscretion is proportional to the severity of the crime or public safety issue being addressed.” (SPD Policy 5.001-POL-6.)

During the course of its Intake Investigation, OPA reviewed Body-Worn Video (BWV) of NE#1’s incident response, which showed NE#1 and other officers speaking to the involved community members, as well as other witnesses in the area of the incident. After conducting this investigation, NE#1 made the decision to document the incident as a “Charge By Officer (CBO),” meaning that the suspect in the incident would not be booked into jail, and the prosecutor’s office would decide whether to file charges in the matter. Neither community member was taken into custody, and the prosecutor’s office ultimately elected not to file charges.

OPA notes that under SPD Policy 15.020, “officers may elect to use CBO instead of booking the suspect into jail,” so long as the incident is eligible for CBO. (SPD Policy 15.020-POL 1). Here, the Named Employee found the incident to amount to a misdemeanor assault, which can be processed as a CBO. OPA finds that this decision was within the Named Employee’s discretion and did not violate SPD Policy.

Accordingly, OPA recommends that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained - Unfounded**