



CLOSED CASE SUMMARY

ISSUED DATE: MAY 1, 2022

FROM: INTERIM DIRECTOR GRÁINNE PERKINS
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2021OPA-0539

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	6.010 - Arrests 1. Officers Must Have Probable Cause That a Suspect Committed a Crime in Order to Effect an Arrest	Not Sustained - Unfounded (Expedited)
# 2	5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy	Not Sustained - Unfounded (Expedited)
# 3	8.300—POL-12 Use of Force - Firearms 5. An Officer May Draw their Firearm in the Line of Duty When...	Not Sustained - Unfounded (Expedited)

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 she was arrested without probable cause. The Complainant further alleged that SPD officers stole and damaged her property and drew their firearms when approaching her.

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

SUMMARY OF INVESTIGATION:

The Complainant left a voicemail with OPA alleging that she was approached by over twenty officers—which she felt was excessive—and then improperly arrested. The Complainant also alleged that the officers took her legal knife and solar hat. OPA commenced this investigation.

During this investigation, OPA reviewed the complaint, Computer Aided Dispatch (CAD) records, the Incident/Offense Report (Incident Report), GPS records, Body Worn Video (BWV), In-Car Video (ICV), and 911 call audio. OPA also interviewed the Complainant.

911 call and CAD records showed that a store security officer called 911 to report that a female—later identified as the Complainant—refused to leave the store and pointed a knife at the security officer when asked to leave. The store



security officer stayed on the line and reported that the Complainant drove away and, ultimately, stopped at a gas station. The store security officer also reported that SPD arrived and confirmed that SPD stopped behind the Complainant's vehicle. The Complainant also called 911 to report that officers were harassing her and, while the Complainant was speaking to the 911 operator, Witness Officer #1 (WO#1) could be heard providing his name on the 911 audio and the Complainant stated WO#1's badge number.

Almost the entirety of the Complainant's interaction with SPD officers during this incident was captured on WO#1's BWV and ICV. After the 911 call was made, an SPD Captain was the first SPD officer to arrive on scene. Because of his rank and position, this Captain was not required to have, and did not have, a BWV. However, the CAD records showed that the Captain only arrived about one minute ahead of the next unit, WO#1, who did have both WBV and ICV activated. CAD records also showed that only five units—six total officers—responded to this call.

WO#1's BWV showed that he was the only officer to approach the Complainant's vehicle and that no officers drew their firearms responding to this incident. WO#1's BWV showed that he attempted to speak with the Complainant, but she would not lower her windows or speak with him over the phone. BWV showed that, ultimately, WO#1 left a business card on the Complainant's windshield and that the Complainant was allowed to drive away without any further police contact. BWV and ICV showed that no officer damaged the Complainant's property, took any property from the Complainant, or had any physical contact with the Complainant.

OPA interviewed the Complainant over the phone. The Complainant would not agree to be recorded. She confirmed the incident number and location of the incident. The Complainant reiterated her allegations that twenty officers approached her vehicle with guns drawn, broke her window, placed her in handcuffs, drove her to a mental institution, and stole her knife and solar hat. When the OPA investigator asked the Complainant follow up questions about the discrepancies between her allegations and the video, the Complainant responded "F*** you." The Complainant stated that the police were covering it up and hung up the phone.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

6.010 - Arrests 1. Officers Must Have Probable Cause That a Suspect Committed a Crime in Order to Effect an Arrest

The Complainant alleged that NE#1 arrested her without probable cause.

SPD Policy 6.010-POL-1 requires that officers have probable cause to believe that a suspect committed a crime when effectuating an arrest. Stated differently, where an arrest is not supported by probable cause, it violates law and Department policy. Probable cause exists when the facts and circumstances within an officer's knowledge are sufficient in themselves to support a reasonable belief that an offense has been or is being committed.

BWV and ICV conclusively established that the Complainant was permitted to drive away from the incident on her own without being taken into custody. The Complainant was not arrested by any SPD officers in relation to this incident.

Accordingly, no officer was able to be identified as having committed the alleged actions. OPA recommends that this allegation be Not Sustained – Unfounded.



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

Named Employee #1 - Allegation #2

5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy

The Complainant alleged that NE#1 damaged and stole her property.

SPD Policy 5.001-POL-2 requires that employees adhere to laws, City policy, and Department policy.

BWV and ICV conclusively established that no officer damaged the Complainant's property or took possession of any of her property.

Accordingly, no officer was able to be identified as having committed the alleged actions. OPA recommends that this allegation be Not Sustained – Unfounded.

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

Named Employee #1 - Allegation #3

8.300–POL-12 Use of Force - Firearms 5. An Officer May Draw their Firearm in the Line of Duty When...

The Complainant alleged that NE #1 drew a firearm when approaching the Complainant.

SPD Policy permits officers to draw their firearms in the line of duty when the officer reasonably believes it may be necessary for their own safety or the safety of others. SPD Policy 8.300-POL-12(5).

BWV and ICV conclusively established no officer drew a firearm while interacting with the Complainant during this incident.

Accordingly, no officer was able to be identified as having committed the alleged actions. OPA recommends that this allegation be Not Sustained – Unfounded.

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