

**Issued Date:** MARCH 4, 2024

**From:** Director Gino Betts, Office of Police Accountability



**Case Number:** 2023OPA-0404

## **Allegations of Misconduct & Director's Findings**

### **Named Employee #1**

1. **Allegation #1:** 5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional
  - a. **Finding:** Not Sustained - Unfounded (Expedited)

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**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 Named Employee #1 (NE#1)—an unknown officer—kept him in a holding cell about six hours and refused to adjust his handcuffs or let him use a restroom.

### **Administrative Note:**

The Complainant alleged that officers damaged his property during a search warrant execution at his motorhome. Body-worn video (BWV) disproved that allegation, so OPA processed the allegation as an “FYI” Supervisor Action. An “FYI” Supervisor Action is appropriate for a complaint deemed unfounded through the intake investigation that does not meet the criteria to be closed as a Contact Log. In this situation, OPA directs the chain of command to take no action other than informing the employee of the complaint’s closing. See OPA Internal Operations and Training Manual section 5.4(B)(ii).

This case was approved for expedited investigation. That means OPA, with the Office of Inspector General’s (OIG) agreement, believed it could issue a recommended finding based solely on its intake investigation without interviewing the named employee. As such, OPA did not interview the named employee involved in this case.

On October 11, 2023, OIG certified OPA’s investigation as thorough, timely, and objective.

### **Summary of the Investigation:**

On April 14, 2023, the Complainant filed an online OPA complaint, writing that SPD officers searched his motorhome, damaged his property, and arrested him. The Complainant wrote that he was handcuffed in a South Precinct holding cell for about six hours and refused restroom access.

OPA investigated the complaint, reviewing the computer-aided dispatch (CAD) call report, incident and supplement reports, and BWV. OPA also interviewed the Complainant.

On April 14, 2023, at 4:28 PM, CAD call remarks noted, "MALE ON THE LINE STATING HE IS IN A MOTORHOME AT LISTED INTERSECTION, AND [OFFICERS] PULLED UP ONE BLOCK AWAY AND STARTED SHOUTING HIS NAME, BUT THEY AREN'T DIRECTLY OUTSIDE HIS MOTORHOME .... [REPORTING PARTY] DOES HAVE A HANDGUN BUT HAS PUT IT IN MOTORHOME IN HIS BEDROOM."

Witness Officer #1 (WO#1) wrote the related incident report. WO#1 stated the Complainant wore a holstered firearm. WO#1 wrote that a records check identified the Complainant as a convicted felon, so officers arrested him for unlawfully possessing a firearm and transported him to a South Precinct holding cell.

BWV captured officers executing a search warrant at the Complainant's motorhome and seizing firearms and ammunition. BWV captured Witness Officer #2 (WO#2) entering the Complainant's holding cell and applying a second pair of handcuffs on the Complainant, who said they felt better. BWV also captured Witness Officer #3 (WO#3) contacting the Complainant in his holding cell and asking the whereabouts of a rifle in his motorhome. The Complainant did not request to use the restroom during his contact with WO#2 and WO#3.

On September 12, 2023, OPA interviewed the Complainant, who said he was in his South Precinct holding cell for five hours while handcuffed. He said officers refused to let him use the restroom and adjust his handcuffs.

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### **Analysis and Conclusions:**

#### **Named Employee #1 – Allegation #1**

##### **5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional**

The Complainant alleged that NE#1 was unprofessional by refusing to let him use the restroom and adjust his handcuffs.

SPD employees must "strive to be professional." SPD Policy 5.001-POL-10. Further, "employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers," whether on or off duty. *Id.*

BWV did not corroborate the Complainant's allegation. WO#1 adjusted the Complainant's handcuffs by applying a second pair, and he said it felt better. Additionally, BWV did not capture the Complainant requesting to use the restroom during his interaction with WO#2 or WO#3.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

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