



## CLOSED CASE SUMMARY

ISSUED DATE: MARCH 24, 2025

FROM: INTERIM DEPUTY DIRECTOR NELSON R. LEESE (ON BEHALF OF INTERIM DIRECTOR BONNIE GLENN)  
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0423

### Allegations of Misconduct & Director's Findings

#### Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 – Standards and Duties, 5.001-POL-14. Retaliation is Prohibited	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:

SPD officers responded to an assault call involving the Complainant and Community Member #1 (CM#1) and subsequently arrested CM#1 after reviewing security video capturing the altercation. Named Employee #1 (NE#1), a detective, declined to refer charges for prosecution. The Complainant alleged that NE#1 retaliated against him by refusing to refer charges based on a 2019 case in which he allegedly stabbed an SPD officer.

### ADMINISTRATIVE NOTE:

During its intake investigation, OPA identified NE#1 allegedly speaking unprofessionally to the Complainant. OPA sent NE#1's potential violation of SPD Policy 5.001-POL-10 (Employees Will Strive to be Professional) to her chain of command for Supervisor Action.<sup>1</sup>

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 in this case.

On December 4, 2024, OIG certified OPA's investigation as thorough, timely, and objective.

### SUMMARY OF INVESTIGATION:

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

An SPD officer documented the following details in an incident report. On October 9, 2024, SPD officers were dispatched to a store in response to an assault call, where they contacted CM#1 and the Complainant. Both parties

<sup>1</sup> A Supervisor Action generally involves a minor policy violation or performance issue the employee's supervisor addresses through training, communication, or coaching. See OPA Internal Operations and Training Manual section 5.4(B)(ii).



accused one another of instigating the altercation. CM#1 was reportedly mentally disabled, while the Complainant was reportedly blind. Officers reviewed security video of the incident and subsequently arrested CM#1 for committing a hate crime, following the Complainant's assertion that the assault was motivated by his disability.

BWV recorded the store's security video. It showed the Complainant colliding into CM#1 and then CM#1 responding by striking the Complainant. They engaged in a physical altercation, during which CM#1 fell to the ground, with the Complainant positioned above CM#1. The Complainant punched CM#1 multiple times while CM#1 was turtled. A security guard exited the store and separated the parties.

NE#1's supplement report stated that the Complainant instigated the altercation, leading to a "mutual combat fight." NE#1 noted the Complainant's history of "being physically violent," which included two alleged stabbing incidents—one of which involved an SPD officer.

On November 1, 2024, OPA interviewed the Complainant. He said he told NE#1 about the assault, but NE#1 responded that she would not refer charges because he pushed CM#1 first. He said he mentioned a 2019 case in which he stabbed a police officer while being blind, but he said he was acquitted. He believed NE#1 retaliated against him by refusing to refer charges based on his actions in the 2019 case.

#### **ANALYSIS AND CONCLUSIONS:**

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

##### ***5.001 – Standards and Duties, 5.001-POL-14. Retaliation is Prohibited***

The Complainant alleged that NE#1 retaliated against him by refusing to refer charges.

SPD employees are prohibited from retaliating. SPD Policy 5.001-POL-14. SPD employees are specifically prohibited from retaliating against a person who engages in activities, including, but not limited to, opposing any practice reasonably believed to be unlawful or in violation of SPD policy, or who otherwise engages in lawful behavior. *Id.* Retaliatory acts are defined broadly under SPD policy and include discouragement, intimidation, coercion, or adverse action against any person. *Id.*

NE#1's decision to decline a prosecutorial referral was documented contemporaneously and supported by video evidence, which showed the Complainant initiating the altercation by physically contacting CM#1 first. The video also showed CM#1 responding with a punch. Therefore, NE#1's determination that the altercation was a "mutual combat fight" was appropriate. Although NE#1 noted two prior stabbing incidents involving the Complainant, these incidents did not appear to impact NE#1's determination that charges were unwarranted under the circumstances.

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

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