



CLOSED CASE SUMMARY

ISSUED DATE: DECEMBER 16, 2018

CASE NUMBER: 2018OPA-0603

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.001 Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy	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:

The Complainant alleged that Named Employee #1 sexually assaulted him in the Complainant’s mother’s residence.

ADMINISTRATIVE NOTE:

After conducting its initial review of this case, OPA determined that the Complainant alleged possible criminal activity on the part of the Named Employee. Accordingly, OPA sent this case to SPD for criminal investigation. When it was returned from SPD, OPA conducted an Expedited Investigation. This means that OPA, with the OPA Auditor’s review and approval, believed that it could reach and issue recommended findings based solely on its intake investigation and without interviewing the Named Employee. As such, the Named Employee was not interviewed as part of this case.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

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

The Complainant in this case was arrested. Following his arrest, he reported to an on-duty Sergeant that he was sexually assaulted in his mother’s home by an off-duty officer. He specifically identified Named Employee #1 (NE#1) as the perpetrator. Due to the nature of the allegation, this incident was criminally referred.

Detectives thoroughly investigated this case and were not able to substantiate the Complainant’s claims. In the investigation, they noted discrepancies in the Complainant’s initial statement to the Sergeant. The Detectives also identified that the description provided of the alleged perpetrator did not match NE#1. Of note, the Complainant refused to cooperate in the criminal investigation and refused to be interviewed, stating only, “I put myself in that situation.” Detectives closed the case as “unfounded,” and returned this matter to OPA for investigation.

SPD Policy 5.001-POL-2 states that employees must adhere to laws, City policy, and Department policy. Had NE#1 sexually assaulted the Complainant, he would have violated this policy.



However, as established by the record, there is absolutely no evidence that NE#1 did so. Moreover, there is no evidence to support that NE#1 even had contact with the Complainant in the last two years. For these reasons, I recommend that this allegation be Not Sustained – Unfounded.

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