



# OPA CASE PROCESSING

Two Sample Cases

Presented by

Lt. Michael Kebba

Sgt. Randal Woolery

Police Accountability Review Panel

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# Filing a Complaint

- ◆ By mail, internal SPD memo, e-mail, phone or by using an online form on the OPA website.
- ◆ In person at the OPA-IS office, the Customer Service Bureau in City Hall, or at any of the 5 SPD Precincts.
- ◆ Through third parties or anonymously.
- ◆ OPA-IS investigator can make arrangements to meet and interview a complainant elsewhere.



Officer X

Violation of Rules and Regulations  
regarding Internet Usage

# Complaint Against Officer X

OPA-IS received a complaint from a Precinct Captain regarding Officer X. While conducting a routine check of internet usage, the Captain received information that Officer X had been visiting pornographic websites using an SPD computer.

# Notice

- ◆ Unless notice would jeopardize the investigation or in criminal investigations, notice of a complaint is given within 5 days after receipt by OPA-IS.
- ◆ Within 30 days, provide employee and Guild complaint classification (factual summary of allegations, whether intend to investigate, etc.).
- ◆ Guild will not unreasonably deny request for extension under certain circumstances.

# Complaint and Notice regarding Officer X

- ◆ Captain discovers suspected inappropriate internet usage by employee: July 2
- ◆ Information forwarded to OPA-IS: July 2  
(Captain also sends reminder memo to staff about inappropriate internet usage)
- ◆ 5 Day Notice to Employee & Guild: July 6
- ◆ Complaint classification notice – IS to investigate: July 20

# Complaint Classification Stage

- ◆ Complaint can be classified as:
  - Contact Log
  - Preliminary Investigation Report
  - Supervisory Referral
  - Line Investigation
  - OPA Investigation Section Investigation
- ◆ OPA Director selects cases to refer to mediation when reviewing complaint classifications.

# Initial Review of Complaint Classification

- ◆ Investigation Summary Report, used for the complaint classification, completed July 20.
- ◆ Report includes the name of the complainant (here, a Captain) and the employee (Officer X). The allegation is specified: 1.349 SPD E-mail & Internet - Violation of Rules/Regulations.
- ◆ The Intake Sergeant, reviewing Lieutenant and Captain, and IS Sergeant assigned are all named, with dates tracking assignment and review.

# Additional Reviewers of Complaint Classification

- ◆ In addition to previously mentioned reviewers, the Investigation Summary Report recommending an OPA-IS investigation is also reviewed by the OPA Director, OPA Auditor, and Chief of Police.
- ◆ Set up meeting to discuss if questions or concerns about classification. Otherwise, finalized and complaint classification notice is sent.
- ◆ Note 180-day discipline deadline with Officer X: 01/03.

# Investigation of Officer X

- ◆ July 20 - OPA-IS Sergeant assigned.
- ◆ July 21 - Sgt. contacts SPD Network Systems Administrator for IT Section to verify Officer X's computer activity on date in question.
- ◆ July 26 – IT confirms Officer X's computer activity.
- ◆ July 26 – SPD Manual Section 1.349 Use of Department E-mail and Internet Systems reviewed and copied for file.
- ◆ July 27 – In person Interview Notice to Officer X
- ◆ August 13 – In-person interview of Officer X

# Investigation of Officer X (cont.)

- ◆ August 13 – Officer X is interviewed: confirms work assignment, time spent on-duty doing computer searches, admits accessing dating website, acknowledges familiar with SPD Manual policies re: internet, claims never visited adult site but if did, was an accident.
- ◆ August 23 – Transcript of interview into file.

# Investigation of Officer X (cont.)

- ◆ October 11 – file summarized and submitted to Lieutenant for review.
- ◆ Index of Exhibits:
  - Memo from Captain to IS
  - IT adult website address confirmation
  - Copy of adult website pages visited
  - SPD Manual Section 1.349
  - Transcribed statement of Officer X

# Review of Completed Investigation

- ◆ Lieutenant reviews file for quality control.
- ◆ File to OPA-IS Captain.
- ◆ Complaint, summary report, and some supporting documents sent to OPA Auditor.
- ◆ OPA Auditor can request review of full file.
- ◆ Captain or Auditor can recommend further investigation.

# Review of Investigation and Proposed Disposition

- ◆ October 20 – Captain completes Proposed Disposition, summarizing the allegations and facts, and recommends a Sustained finding.
- ◆ Proposed Disposition sent to:
  - Precinct Commander
  - OPA Director
  - OPA Auditor
  - OPA-IS Staff (for training purposes)
  - Chief of Police (if Sustained finding recommended or in other cases where issues are controversial)

# Review of Investigation and Proposed Disposition (cont.)

- ◆ OPA Director and/or Auditor initiates discussion if disagreement about recommended finding.

# Discipline Meeting

- ◆ Meeting scheduled for October 27 to discuss case and proposed discipline.
- ◆ Individuals attending meeting include:
  - Chief of Police
  - OPA Director
  - Employee's Bureau Commander
  - Employee's Section Commander
  - SPD Legal Advisor
  - OPA-IS Captain

## Discipline Meeting (cont.)

- ◆ Because of other complaints against Officer X involving various other allegations, the ultimate discipline recommended was termination. The employee resigned in lieu of termination. Thus, no *Loudermill* hearing was necessary. SPD Human Resources issued final paperwork December 15.

# OPA Certification of Completion and OPA Disposition

- ◆ The OPA Director certifies that she reviewed the OPA-IS investigation, proposed disposition, and comments and input of the Command Staff.
- ◆ OPA Certified Disposition: Sustained.
- ◆ Dated November 27.

# Contact with Complainant and the Named Employee

- ◆ For cases classified as Supervisory Referral, Line Investigation or OPA-IS Investigation, a letter is sent to complainants including information about case processing.
- ◆ In addition, OPA-IS tries to do the following:
  - E-mail employee when investigation is complete and submitted for review.
  - Send letter to complainant or contact by phone at end of investigation.
- ◆ Employees and citizens are encouraged to contact OPA-IS if they have any questions about the status of their case.



Officer Y

Unnecessary Use of Force  
Allegation

# Complaint against Officer Y

## January 13

- ◆ Received phone complaint from witness A alleging that Officer Y was unnecessarily harsh with a young suspect he had detained, apparently for jaywalking. Witness A's statement recorded and transcribed.
- ◆ Unsuccessful attempt to locate incident on CAD; checked East Precinct "Daily Sheet." Obtained incident number and requested incident report from records. Incident report added to file.

# Complaint and Notice

## January 13 (cont.)

- ◆ 5 day notice to named employee, Officer Y.
- ◆ Requested video camera footage, but none available. Request made to employee to regularly upload video footage.
- ◆ Intake report submitted to Lieutenant for review.

# Initial Review of Complaint Before Classification

## ◆ January 15:

- Attempted to reach second witness noted on the incident report.
- Called suspect – told wrong number.
- Attempted in-person contact at suspect's address.

## ◆ January 21:

- No response from second witness.
- Submitted report for review by Lieutenant.

# Use of Force Allegation Drafted

- ◆ January 22 – receive report back from Lieutenant who directs preparation of a Use of Force complaint (Form 2.7).
- ◆ January 23 and 28 – sought copy of Use of Force Packet completed by Officer Y. Told waiting line of command approval.
- ◆ January 28 – final intake report submitted to Lieutenant for review.

# Proposed Classification - Investigation Summary Report

- ◆ An Investigation Summary Report, which includes the proposed complaint classification, is reviewed by the Captain, OPA Director, OPA Auditor and Chief of Police to be sure there are no questions concerning the classification.
- ◆ February 2 - Notice of complaint classification.

# Investigation February through May

## ◆ Case Summary prepared May 14 included:

- Incident Report
- Use of Force Statement of Officer Y (with photos)
- Supervisor's Summary of the Use of Force
- Statement of 2 witnesses – A and B
- Statement of Suspect
- Statement of Back up officer
- Statement of Officer Y
- Communications CD

# Evidence

- ◆ Suspect acknowledged that he jaywalked, but had headphones on and did not hear Officer Y yell at him or ask him to come over to where Officer Y was standing.
- ◆ Suspect and 2 witnesses testified that Officer Y proceeded to sidewalk where suspect was standing, grabbed him and threw him against a wall. They stated that immediately afterwards, Officer Y threw the suspect to the ground and handcuffed him.

## Evidence (cont.)

- ◆ Suspect and witnesses believed suspect was complying with Officer Y and that the force he used was unnecessary.
- ◆ Incident Report: suspect engaged in pedestrian violation, refused to heed orders to stop, postured aggressively, and was arrested for Obstructing/Resisting.
- ◆ Use of Force was indicated in the Report and Use of Force Packet was completed.

## Evidence (cont.)

- ◆ Officer Y: After suspect illegally crossed the street, yelled and after no response, approached suspect. The suspect said, "I can do whatever I want..." When asked how suspect was "aggressive" (per incident report), said, "It is hard to say; I just knew something was going to happen."
- ◆ The back-up officer did not witness the incident. Suspect told him he was not hurt or needing medical attention. Photographs taken at the time do not show any injuries.

# Evidence (cont.)

- ◆ Audio CD - Officer Y in struggle and asking for back up.

# Review of Completed Investigation

- ◆ May 24 –Lieutenant reviews file for quality control.
- ◆ File to OPA-IS Captain.
- ◆ Complaint, summary report, and some supporting documents sent to OPA Auditor.
- ◆ OPA Auditor can request review of full file.
- ◆ Captain or Auditor can recommend further investigation.

# Proposed Disposition

- ◆ Proposed Disposition completed by OPA-IS Captain on June 19.
- ◆ Proposed Finding: Sustained for Unnecessary Use of Force.
- ◆ Forwarded to Precinct Commander, OPA Director, OPA Auditor, OPA-IS staff, and Chief of Police.

# Discipline Meeting

- ◆ Discipline meeting scheduled for July 1.
- ◆ Attended by Chief of Police, OPA Director, Assistant Chief, SPD Legal Advisor, Precinct Captain, OPA-IS Captain.
- ◆ Recommended discipline: 3 days suspension without pay.
- ◆ OPA Director Certification of Completion dated July 1.

# Notice re: Proposed Discipline and *Loudermill*

- ◆ Notice of proposed discipline and date for *Loudermill* meeting – July 3
- ◆ *Loudermill* held – July 28
- ◆ Final decision regarding discipline postponed pending counseling and training of Officer Y.



Questions?