



CLOSED CASE SUMMARY

ISSUED DATE: APRIL 30, 2018

CASE NUMBER: 2017OPA-1256

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	8.200 - Using Force 1. Use of Force: When Authorized	Not Sustained (Unfounded)

Named Employee #2

Allegation(s):		Director’s Findings
# 1	8.200 - Using Force 1. Use of Force: When Authorized	Not Sustained (Unfounded)

Named Employee #3

Allegation(s):		Director’s Findings
# 1	8.200 - Using Force 1. Use of Force: When Authorized	Not Sustained (Unfounded)

Named Employee #4

Allegation(s):		Director’s Findings
# 1	8.200 - Using Force 1. Use of Force: When Authorized	Not Sustained (Unfounded)

Named Employee #5

Allegation(s):		Director’s Findings
# 1	8.200 - Using Force 1. Use of Force: When Authorized	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 he was “tortured” by officers in the 1990s.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

8.200 - Using Force 1. Use of Force: When Authorized

The Complainant was being committed for a mental health evaluation when he alleged that his wrists were broken when he was tortured by officers inside the East Precinct in the 1990s. The Complainant was unable to give a specific date of when this occurred. He alleged that one of the involved officer’s names was “Chin.”

Based on the nature of these allegations, OPA referred this matter to SPD for criminal investigation. SPD’s Major Crimes Task Force conducted a thorough investigation into this matter. While the Complainant stated that the purported assault occurred after he was arrested for DUI in the 1990s, no such arrest could be verified. Department records did show that the Complainant was previously arrested for DUI, but that arrest occurred in 2004. The



criminal investigator verified that the Complainant had been arrested at least three times in the 1990s; however, none of those arrests appeared to exactly match the Complainant's allegations.

The assigned criminal investigator contacted a witness who was also arrested with the Complainant in 2004, and that witness stated that he had known the Complainant for twenty-five years and had never known the Complainant to have broken wrists. The witness also informed the criminal investigator that the subject had ongoing mental health issues. The criminal investigator also spoke to the Complainant's mother and brother. Both indicated that they were not aware of the Complainant ever having broken wrists. Both confirmed that the Complainant suffered from mental illness and both stated that he had alleged physical abuse from the police to them on multiple occasions.

The criminal investigator also did a walk-through of the entire East Precinct to see if there were any exposed pipes that, as the Complainant alleged, he could have been handcuffed to. The criminal investigator determined that there were no exposed pipes anywhere in the precinct except for in the parking garage. Moreover, the pipes in the garage were approximately 14 feet off of the ground and, in the criminal investigator's opinion, would have been unable to withhold the weight of an adult being suspended from them.

Lastly, the criminal investigator interviewed the Complainant. During that conversation, the Complainant stated that his wrists were bruised and blackened, but not broken. This was contrary to his assertions to OPA. The Complainant further stated that the incident may have occurred in the early 2000s not in the 1990s, and that the assault occurred after his arrest for a hit and run not for DUI. Both statements were also contrary to his previous assertions to OPA. There was no record of a use of force associated with that 2004 arrest or evidence that the Complainant's wrists had been broken.

The Major Crimes Task Force ultimately deemed the Complainant's allegations to be unfounded and this matter was sent back to OPA for investigation.

OPA contacted SPD Human Resources and checked for all sworn SPD personnel with the last name of Chin, Chinn, Chen, or Chan. That review yielded no officers with those last names that were linked to any case involving the Complainant. OPA identified that Named Employee #1 (NE#1) and Named Employee #2 (NE#2) were the officers that arrested the Complainant in the 2004 case. As such, and given the lack of any other cases that appeared connected with the incident identified by the Complainant, they were added as the Named Employees in this case.

At the conclusion of the OPA investigation into this matter, I reach the same result as the Major Crimes Task Force – there is no evidence that the Complainant was ever “tortured” or assaulted by SPD officers and that this conduct resulted in either broken or badly bruised wrists. Further, there is no support in the record for finding that NE#1 and NE#2, or for that matter any unknown officer, engaged in any misconduct or ever even used physical force on the Complainant, let alone that they tortured him.

For these reasons, I recommend that this allegation be Not Sustained – Unfounded.

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



Named Employee #2 - Allegation #1

8.200 - Using Force 1. Use of Force: When Authorized

For the same reasons as stated above (see Named Employee #1, Allegation #1), I recommend that this allegation be Not Sustained – Unfounded.

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

Named Employee #3 - Allegation #1

8.200 - Using Force 1. Use of Force: When Authorized

For the same reasons as stated above (see Named Employee #1, Allegation #1), I recommend that this allegation be Not Sustained – Unfounded.

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

Named Employee #4 - Allegation #1

8.200 - Using Force 1. Use of Force: When Authorized

For the same reasons as stated above (see Named Employee #1, Allegation #1), I recommend that this allegation be Not Sustained – Unfounded.

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

Named Employee #5 – Allegation #1

8.200 - Using Force 1. Use of Force: When Authorized

For the same reasons as stated above (see Named Employee #1, Allegation #1), I recommend that this allegation be Not Sustained – Unfounded.

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