



CLOSED CASE SUMMARY

ISSUED DATE: JUNE 22, 2018

CASE NUMBER: 2018OPA-0028

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, during his arrest, the Named Employee engaged in “sexual harassment” towards him and was “trying to rape” him.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

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

In a previous case (2017OPA-0927), OPA investigated allegations that the Complainant was subjected to excessive force, an unlawful Terry stop, and biased policing. This investigation, which included an interview of the Complainant, resulted in findings that the involved officers acted, in all respects, consistent with policy.

At his interview in this past case, the Complainant alleged that, during the incident, he did not believe that he did anything wrong, so when the officers made physical contact with him he purposefully resisted them. He stated that he was “slammed” onto the hood of a car and then into the window. He further stated that the officers twisted his left arm. While these allegations were largely consistent with the statements he made in a newspaper article printed in Crosscut, the subject further added in his interview with OPA that an officer had him pinned to the car like a “bitch.” The subject recalled to OPA that he then told the officer: “Dude you’re a fucking faggot, get the fuck off my ass dude, like I can feel your fucking faggot ass boner dog, that’s not cool. I was like that’s like sexual harassment, you’re trying to rape me. That’s why I resisted the most. Cause I don’t like to be hold down and then feel another pecker.” The subject further stated that the officer did not move back from him and he continued to feel the officer’s penis.

Given this allegation, OPA initiated a separate investigation against Named Employee #1 (NE#1), who was the officer holding the Complainant against the car. This separate investigation was premised on the allegation that NE#1 allegedly engaged in “sexual harassment” towards the Complainant and was “trying to rape” him, which, if true, would constitute a violation of law.



Based on OPA's review of the video and the entirety of the record, neither allegation is supported by the evidence. Indeed, the evidence conclusively proves the Complainant's statements to OPA to be a fabrication and frivolous. For these reasons, I recommend that this allegation be Not Sustained – Unfounded.

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