



## CLOSED CASE SUMMARY

ISSUED DATE: MAY 21, 2018

CASE NUMBER: 2018OPA-0092

### 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 the Named Employee stole his money and drugs. While the Complainant then recanted his statement, this matter was still referred to OPA for investigation by a Department supervisor.

### ANALYSIS AND CONCLUSIONS:

#### **Named Employee #1 - Allegation #1**

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

Officers were dispatched to a disturbance. The officers contacted the Complainant, who was involved in the disturbance, and ultimately arrested him. When his arrest was screened by a Department supervisor at the West Precinct, the Complainant alleged that an officer stole \$1,000 and an “8-ball of rock cocaine” from him. The Complainant stated that an Asian officer stole these items, but did not provide the officer’s name. Later during this conversation, the Complainant recanted his allegation. He told the supervisor that he never had these items on his person and that they were not stolen from him. The supervisor determined that Named Employee #1 (NE#1) was the officer who arrested the Complainant and searched him incident to arrest. While the supervisor determined, based on her interview of the Complainant and her preliminary investigation, that the Complainant’s allegation was false, she nonetheless referred this matter to OPA. OPA then initiated this investigation.

SPD Policy 5.001-POL-2 requires that Department employees adhere to laws, City policy, and Department policy. If it were true that an officer stole money and drugs from a subject, that behavior would constitute a violation of this policy. However, based on OPA’s review of the record, the Complainant’s allegations against NE#1 are meritless. First, the entirety of the arrest and search of the Complainant was captured on Department video. This video conclusively disproves that any theft occurred. Second, the Complainant, himself, recanted his allegations. OPA tried to contact the Complainant to interview him about this incident and his allegations; however, he did not respond.

I find that this allegation is frivolous and that NE#1 did nothing wrong in this case. As such, I recommend that this allegation be Not Sustained – Unfounded.

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