



## CLOSED CASE SUMMARY

ISSUED DATE: JULY 19, 2018

CASE NUMBER: 2018OPA-0093

### Allegations of Misconduct & Director’s Findings

Named Employee #1		Serial Number:
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 told her that if she did not pass Field Sobriety Tests during a DUI investigation, he would touch her inappropriately.

**ANALYSIS AND CONCLUSIONS:**

**Named Employee #1 - Allegations #1**

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

The Complainant was investigated for possible DUI. Named Employee #1 (NE#1) was called to the scene to conduct the investigation. After doing so and after evaluating the Complainant’s condition, NE#1 developed probable cause to arrest the Complainant. The Complainant was placed into a patrol vehicle and was transported to the West Precinct. During that transport and while in the rear of the patrol vehicle, the Complainant alleged that she failed to pass the Field Sobriety Tests (FSTs) that she was given because she was scared by NE#1. Specifically, she alleged that she was frightened when NE#1 told her that if she did not pass the FSTs he would touch her inappropriately.

NE#1 reported this allegation to a supervisor who then spoke with the Complainant. The supervisor asked the Complainant whether she had any complaints, whether NE#1 was inappropriate towards her, whether he threatened her, and whether she felt fearful. She said no to all of these questions.

The supervisor then reviewed NE#1’s In-Car Video and Body Worn Video and observed that NE#1 never threatened to touch the Complainant inappropriately. Indeed, the supervisor determined that NE#1 behaved consistent with policy at all times during this incident. However, given the nature of the allegation, the supervisor referred this matter to OPA. With the consent of the OPA Auditor, OPA designated this case as an expedited investigation. As such, OPA reaches its decision solely based on its intake investigation and without interviewing NE#1.

My review of the Department video yields the same conclusion as was reached by NE#1’s supervisor. NE#1 never engaged in the conduct alleged by the Complainant. The Complainant’s allegations are meritless and her complaint frivolous. For these reasons, I recommend that this allegation be Not Sustained – Unfounded.

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