



CLOSED CASE SUMMARY

ISSUED DATE: JULY 30, 2018

CASE NUMBER: 2018OPA-0126

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 Named Employee #1 assaulted her, both physically and sexually, during her arrest for DUI.

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the OPA Auditor’s review and approval, believed that it could reach and issue recommended findings based solely on its intake investigation and without interviewing the Named Employee. As such, the Named Employee was not interviewed as part of this case.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

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

The Complainant was involved in a single vehicle collision. Named Employee #1 (NE#1) investigated the collision and developed probable cause to arrest the Complainant for DUI. NE#1 placed the Complainant into handcuffs and, at that time, she alleged that NE#1 had assaulted her. The Complainant then asked for a female officer to come to the scene. NE#1 called for a female officer, but there were none available. NE#1 placed the Complainant into the rear of the patrol vehicle where she began to be uncooperative. Specifically, she slipped out of her handcuffs and then defecated in the back seat of the vehicle. At that time, she alleged that NE#1 had also sexually assaulted her. She told NE#1 that she did not like Mexican police officers and that she believed NE#1 was Latino. She further stated that she preferred White officers and referenced NE#1’s partner, who was White. NE#1’s partner handled the remainder of the interaction with the Complainant.

Based on the Complainant’s allegations, this matter was referred to OPA. OPA declined to send this case to SPD for criminal investigation and instead conducted an Expedited Investigation.



SPD Policy 5.001-POL-2 states that employees must adhere to laws, City policy, and Department policy. Had NE#1 assaulted the Complainant, both physically and sexually, he would have violated this policy. However, as established by the record and, most notably, the Department video, there is absolutely no evidence that he did so. Indeed, what the evidence proves is that the allegations in this case are frivolous and ridiculous claims made by a woman who clearly holds racist views. Frankly, the Complainant should be ashamed of her conduct and NE#1 should be commended for his. For these reasons, I recommend that this allegation be Not Sustained – Unfounded.

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