



## **CLOSED CASE SUMMARY**

ISSUED DATE: DECEMBER 3, 2018

CASE NUMBER: 2018OPA-0532

### **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)
# 2	5.001 - Standards and Duties 10. Employees Shall Strive to be Professional	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 him, by throwing him to the ground and injuring his shoulder. The Complainant further alleged that Named Employee #1 was unprofessional.

#### **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 - Allegations #1**

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

Named Employee #1 (NE#1) is a Parking Enforcement Officer who was directing traffic at the time of this incident. She noted a male walking in the middle of the street and on the street car rails. This individual was later identified as the Complainant. NE#1 told the Complainant to get out of the street because there was a train coming and she was fearful of him being struck by the train. The Complainant indicated he was blind and the NE#1 offered to escort him from the roadway.

Before the Named Employee could assist him, the Complainant pushed her into a fence, which caused an injury to her arm. The Complainant then collapsed and fell backwards onto the ground. The Complainant later alleged to the responding Sergeant that NE#1 put him in an “arm bar” and threw him to the ground.

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 physically assaulted the Complainant, as he alleged, she would have violated this policy. However, as established by the record there is insufficient evidence to determine that she did so. There was no independent video and Parking Enforcement Officers are not equipped with BWV. Further, the Complainant later admitted that the situation was his fault and declined to speak to OPA investigators regarding his concerns.

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

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

**Named Employee #1 - Allegation #2**

***5.001 - Standards and Duties 10. Employees Shall Strive to be Professional***

SPD Policy 5.001-POL-9 requires that SPD employees “strive to be professional at all times.” The policy further instructs that “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers.” (SPD Policy 5.001-POL-9.)

OPA’s investigation revealed no conduct on NE#1’s part consistent with the Complainant’s allegations. Moreover, the Complainant did not respond to OPA’s requests to be interviewed. Based on my review of the evidence, I find that NE#1 did nothing contrary to policy during this incident and, instead, behaved in a way that was commendable. Accordingly, I recommend that this allegation be Not Sustained – Unfounded.

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