

Appeal Summary  
2015-C-0325  
Case File Review/Appeal Hearing  
March 30, 2016

**Involved persons**

Complainant  
Officer A

**Allegations**

1. Officer A's acted unprofessionally when grabbed the len's of complainant's camera.  
(CONDUCT)(Directive 310.00– CONDUCT, PROFESSIONAL)

**Incident/Complaint Summary**

Complainant was videotaping outside of Central Precinct on October 20, 2015, between 9:30 am to 10:00 am when Officer A was leaving the underground parking garage in an unmarked Police Bureau SUV. Officer A stopped and exited his vehicle and asked complainant if he could help him. Officer A extended his arm towards the video camera in complainant's hand. Complainant appears to swat Officer A's hand away. Officer A then reenters his vehicle and drives away

**Internal Affairs Investigation**

**Summary of Complainant Interview**

Complainant stated during his IA interview that he was video recording outside of Central Precinct and an officer came out of the Central Precinct underground parking garage. Complainant describes the officer as coming over and grabbing his camera and that the officer tried to take the video camera from him.

The interaction between the Complainant and Officer A was recorded and later uploaded to YouTube.

### Officer A Interview

Officer A describes coming out of the garage carefully, paying attention to any pedestrians on the sidewalk. There was a police vehicle in one of the traffic lanes of SW 2<sup>nd</sup> Avenue, which blocked him. As Officer A exited the garage he thought he heard someone yelling behind him. Concerned that he may have hit someone, he exited the vehicle to see what had occurred. Upon leaving his vehicle he saw complainant holding a camera

He repeatedly asked if he could help the individual. The officer recognized the complainant and he got back into his vehicle and left. The officer believed that complainant was attempting to incite an altercation.

The involved officer did not recall grabbing the camera, but he did recall blocking the camera from coming into his face several times.

### Procedural History of Case

The assigned unit commander in this case reviewed the completed Internal Affairs investigation and recommended a finding of Not Sustained. After reviewing the completed findings, the Captain of Professional Standards and the Independent Police Review Director disagreed with (controverted) the findings and referred the matter to the Police Review Board. After conducting its review of the facts and findings in this case, the Board voted 4-1 to keep the findings at Not Sustained. This case was then referred to the Citizen Review Committee by IPR using its authority under City Code to refer a community complaint directly to the CRC after a Police Review Board hearing has been held.

<b>CHRONOLOGY OF CASE PROCESSING</b>	<b>DATE</b>
Date complaint received by IA	10/23/15
Date IA Investigation initiated	10/30/15
Date IA investigation completed	12/2/15
Date completed IA investigation assigned to IPR for review	12/3/15
Date completed IA investigation assigned to RU Manager for recommended findings	12/9/15
Date RU Manager's recommended findings to Branch Chief for recommended findings	12/10/15
Date recommended findings received by IA Captain for recommended findings	12/15/15
Date recommended findings sent to IPR for recommended findings	12/16/15
Date of IA recommended findings	12/17/15

Date of IPR of recommended findings	12/18/15	
Police Review Board Held	1/20/16	
Date of IA Disposition Letter	1/22/16	
Date of IPR closing cover letter	2/1/16	
<b>TIMELINESS OF CASE PROCESSING</b>	<b>TIME ELAPSED (Calendar Days)</b>	<b>BENCHMARK (Calendar Days)</b>
Time from date complaint received in IA to the date case referred for an administrative investigation (10/23/15 – 10/29/2015)	6	7
Time necessary for completion of investigation (10/30/2015 – 12/2/2015)	33	60
Time from date IA investigation sent to RU Manager to date of RU's recommended findings received by Branch Chief for recommended findings (12/9/2015 - 12/10/2015)	1	14
Time from date recommended findings received by Branch Chief to date referred to IA Captain for recommended findings (12/10//2015 – 12/15/2015)	5	7
Time from date recommended findings received by IA to date IA made recommended findings (concurrent with IPR review) (12/15/2015 – 12/17/2015)	3	7
Time from date recommended findings received by IPR to date IPR made recommended findings (concurrent with IA review) (12/16/2015 – 12/18/2015)		
Time from IPR controverted Finding to PRB Finding  (12/21/2015 – 1/20/2016)	30	28
Time from date of completed findings recommendations to mailing of the disposition letter (1/21//2016 – 1/28/2016)	1	14
<b>Totals</b>	<b>79</b>	<b>137</b>
Time from date complaint received to date Disposition Letter sent to Complainant (10/23/2015 – 2/1/2016)	101	

## **Findings and Definition of Findings**

**Finding:** A determination of whether an allegation against a member is unfounded, exonerated, not sustained or sustained. These findings have the following meanings:

**Unfounded:** The allegation was false or devoid of fact or there was not a credible basis for a possible violation of policy or procedure.

**Exonerated:** The act occurred, but was lawful and within policy.

**Not Sustained:** The evidence was insufficient to prove a violation of policy or procedure.

**Sustained:** The evidence was sufficient to prove a violation of policy or procedure.

Any of these findings could be accompanied by a debriefing, which would involve the superiors of an involved officer talking about the incident and providing instruction as to how the situation might have been handled better.

No.	Allegation summary	Category	Finding
1	Officer A acted unprofessionally when he grabbed the lens of Complainant's video camera.	CONDUCT	<b>NOT SUSTAINED</b>

## **Options Available to the CRC**

At the appeal, the CRC has the following options available to it:

1. The CRC can affirm the finding, meaning that it believes that a reasonable person can make the same decision based on the available information, whether or not the committee agrees with the decision; or
2. It can challenge the finding; meaning that the committee believes a reasonable person would have reached a different finding based on the available information. The CRC can recommend a debriefing as part of any challenged finding; or
3. It can refer the case to the Independent Police Review or Internal Affairs for further investigation.