



Administrative Summary Report

Log No: 2019-0005171

This ASR provides crucial information to reporting parties, accused members and accused members' supervisors. The information contained herein is intended to display Department member's accountability and foster the relationship with members of the public by ensuring legitimacy and community confidence. The following are definitions of recommended findings:

- Sustained - where it is determined that the allegation is supported by the evidence;
- Not Sustained - where it is determined that there is insufficient evidence to prove the allegations;
- Unfounded - where it is determined by that an allegation is false or not factual; or
- Exonerated - where it is determined that the conduct described in the allegation occurred, but it is lawful and proper.

INCIDENT DESCRIPTION

Complainant alleges that she called 911 because her ex boyfriend's wife and family came to her house with a gun. The complainant alleges that when the accused R/O(s) arrived they let the woman spit in her face and fight her and her sister. The complainant alleges that the accused R/O(s) did not intervene the moment the woman spit on her. Complainant stated that it wasn't until they started fighting, her and her sister, when one of the accused R/O(s) pulled out a baton. complainant stated the Officer did not use it, but it stopped the females from fighting her and her sister. Complainant asked the accused R/O(s) to check the woman's car for the gun, but the accused R/O(s) stated "I can not search her car". The accused R/O(s) allegedly stated to her, "Take your ass in the motherfucking house before I lock you up", and, "all of this is happening because your a side piece".

LOCATION OF OCCURRENCE: Residence, 11[REDACTED] S SACRAMENTO BLVD , District 011

DATE & TIME OF INCIDENT: 19 Dec 2019, 19:50

NARRATIVE SUMMARY:

The Investigator gathered available evidence as listed. Based on their respective findings, this log number investigation has been concluded with the recommendations listed. Evidence was evaluated and considered by the investigator to reach their findings.

- A sworn affidavit was obtained.
- Body Worn Camera video was available and reviewed.
- Other digital evidence not produced by CPD (e.g. private video), was gathered and used during the investigation.
- Various CPD reports or other documents related to this incident were available and analyzed.
- The Complainant or Reporting Party cooperated in the investigation and provided information.
- The accused party or parties were interviewed.
- The accused member's complimentary and disciplinary history were taken into consideration when determining the appropriate discipline for sustained allegations.

*(Listed above are items for which the investigator has indicated as having been obtained and relevant to the investigation. This list is not inclusive of all items. For item list, please see Placeholder narrative text box below for more information.)



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INVESTIGATIVE CONCLUSION:

Based on the statements of the involved parties and the gathered evidence in this log investigation, the undersigned finds that the following allegation(s) are SUSTAINED. Based on the SUSTAINED finding(s) and after taking into consideration the accused member's complimentary and disciplinary histories, the undersigned recommends that the following action be taken:

Accused: NICHOLAS KLEIN
Rank: POLICE OFFICER
Star Number: 13999

RECOMMENDED PENALTY: 600 - NO ACTION TAKEN / NOT SUSTAINED / EXONERATED / UNFOUNDED

Allegations

1 - Not Sustained - Operation/Personnel Violations/Inadequate/Failure to Provide Service

Allegation: The Reporting Party, [REDACTED] alleges that on 19 December 2019 at 1950 hours at 11 S. Sacramento the accused Officer Nicholas Klein #13999 failed to provide service when he didn't immediately intervene when her ex-boyfriend's wife and family were battering her.

2 - Not Sustained - Operation/Personnel Violations/Inadequate/Failure to Provide Service

Allegation: The Reporting Party, [REDACTED] alleges that on 19 December 2019 at 1950 hours at 11 S. Sacramento the accused Officer Nicholas Klein #13999 failed to provide service when he didn't search her ex-boyfriend's vehicle for a gun that she alleged was inside.

3 - Not Sustained - Operation/Personnel Violations/Conduct Unbecoming

Allegation: The Reporting Party, [REDACTED] alleges that on 19 December 2019 at 1950 hours at 11 S. Sacramento the accused Officer Nicholas Klein #13999 was rude and unprofessional when he said, "Take your ass in the mother fucking house before I lock you up, all of this is happening because you're a side piece."

Accused: ROMAN DAVALOS
Rank: POLICE OFFICER
Star Number: 5247

RECOMMENDED PENALTY: 600 - NO ACTION TAKEN / NOT SUSTAINED / EXONERATED / UNFOUNDED

Allegations



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1 - Not Sustained - Operation/Personnel Violations/Inadequate/Failure to Provide Service

Allegation: The Reporting Party, [REDACTED] alleges that on 19 December 2019 at 1950 hours at 11 [REDACTED] S. Sacramento the accused Officer Roman Davalos #5247 failed to provide service when he didn't immediately intervene when her ex-boyfriend's wife and family were battering her.

2 - Not Sustained - Operation/Personnel Violations/Inadequate/Failure to Provide Service

Allegation: The Reporting Party, [REDACTED] alleges that on 19 December 2019 at 1950 hours at 11 [REDACTED] S. Sacramento the accused Officer Roman Davalos #5247 failed to provide service when he didn't search her ex-boyfriend's vehicle for a gun that she alleged was inside.

3 - Not Sustained - Operation/Personnel Violations/Conduct Unbecoming

Allegation: The Reporting Party, [REDACTED] alleges that on 19 December 2019 at 1950 hours at 11 [REDACTED] S. Sacramento the accused Officer Roman Davalos #5247 was rude and unprofessional when he said, "Take your ass in the mother fucking house before I lock you up, all of this is happening because you're a side piece."

Accused: DEXTER CALHOUN
Rank: POLICE OFFICER
Star Number: 17364

RECOMMENDED PENALTY: 100 - REPRIMAND

Allegations

3 - Sustained - Conduct Unbecoming Violations

Allegation: The Reporting Party, [REDACTED] alleges that on 19 December 2019 at 1950 hours at 11 [REDACTED] S. Sacramento the accused Officer Dexter Calhoun, #17364 was rude and unprofessional when he said, "Take your ass in the mother fucking house before I lock you up, all of this is happening because you're a side piece."

Rule Violation: 8 - DISRESPECT/MALTREATMENT OF ANY PERSON WHILE ON OR OFF DUTY - ACCUSED told RP that she was a "side piece", which is another term for "mistress", while attempting to break up a family altercation, leading to RP feeling disrespected [1 count(s)]

1 - Not Sustained - Operation/Personnel Violations/Inadequate/Failure to Provide Service

Allegation: The Reporting Party, [REDACTED] alleges that on 19 December 2019 at 1950 hours at 11 [REDACTED] S. Sacramento the accused Officer Dexter Calhoun, #17364, failed to provide service when he didn't immediately intervene when her ex-boyfriend's wife and family were battering her.



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2 - Not Sustained - Operation/Personnel Violations/Inadequate/Failure to Provide Service

Allegation: The Reporting Party, [REDACTED] alleges that on 19 December 2019 at 1950 hours at 11 [REDACTED] S. Sacramento the accused Officer Dexter Calhoun, #17364, failed to provide service when he didn't search her ex-boyfriend's vehicle for a gun that she alleged was inside.