



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-0115

Issued Date: 08/29/2016

Named Employee #1 and #2	
Allegation #1	<u>Seattle Police Department Manual</u> 8.200 (1) Using Force: Use of Force: When Authorized (Policy that was issued 09/01/2015)
OPA Finding	Not Sustained (Unfounded)
Allegation #2	<u>Seattle Police Department Manual</u> 8.200 (2) Using Force: Use of Force: When Prohibited (Policy that was issued 09/01/2015)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employees transported the complainant from a precinct to the King County Jail.

COMPLAINT

The complainant alleged that the Named Employees had used excessive force and had physically and sexually assaulted him.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint
2. Search for and review of all relevant records and other evidence

3. Review of In-Car Video (ICV)
4. Review of Holding Cell Video
5. Interview of SPD employees

ANALYSIS AND CONCLUSION

The complainant alleged Named Employee #1 and #2 intentionally pushed his head causing it to strike the police car door. The preponderance of the evidence shows that this did not happen. The complainant also alleged Named Employee #1 and #2 sexually assaulted him. The preponderance of the evidence shows this did not happen.

The complainant was handcuffed at the time, alleged by the complainant; Named Employee #1 and #2 allegedly pushed the complainant's head into the police car door. SPD Policy §8.200(1) prohibits the use of force on a handcuffed prisoner except in extraordinary circumstances. Since the preponderance of the evidence shows Named Employee #1 and #2 did not push the complainant's head causing it to strike the car door, the OPA Director recommended a finding of Not Sustained (Unfounded) for this allegation.

FINDINGS

Named Employee #1 and #2

Allegation #1

The preponderance of the evidence shows that the complaint against Named Employee #1 and #2 did not occur as alleged. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Using Force: Use of Force: When Authorized*.

Allegation #2

The preponderance of the evidence shows that the complaint against Named Employee #1 and #2 did not occur as alleged. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Using Force: Use of Force: When Prohibited*.

NOTE: The Seattle Police Department Manual policies cited for the allegation(s) made for this OPA Investigation are policies that were in effect during the time of the incident. The issued date of the policy is listed.