



CLOSED CASE SUMMARY

ISSUED DATE: DECEMBER 16, 2018

CASE NUMBER: 2018OPA-0619

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)

Named Employee #2

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, during his arrest, he was violated in a sexual manner by the Named Employees.

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 Employees. As such, the Named Employees were 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

Named Employee #1 (NE#1) and Named Employee #2 (NE#2) responded to a call concerning a disturbance at a grocery store. The initial call reported that a male subject, the Complainant, attempted to steal toothbrushes and was engaged in a verbal altercation with grocery store employees. The call was updated with information that the verbal altercation escalated to a physical struggle between the Complainant and four grocery store employees, with the Complainant allegedly striking all four employees with his hands. When NE#1, NE#2, and other officers arrived at the scene, the Complainant was being held down on the ground by grocery store employees, but was still struggling with them. Once a determination was made that there was probable cause to arrest the Complainant, NE#1 and NE#2 escorted the then handcuffed Complainant to a patrol vehicle for transport. To get the Complainant to fully enter the backseat of the patrol vehicle, NE#1 and NE#2 worked on opposite sides of the Complainant with their



hands and arms to guide him in. During that interaction, the Complainant yelled out that NE#1 and NE#2 were violating him in a sexual manner.

Based on the nature of the Complainant's allegation, this matter was referred to OPA and this investigation ensued. During its investigation, OPA made multiple attempts to interview the Complainant but was ultimately unsuccessful.

SPD Policy 5.001-POL-2 requires that employees adhere to laws, City policy, and Department policy. If the Complainant's allegation against the Named Employees was true, it would constitute, at a minimum, a violation of Washington State law.

The Complainant's initial contact with NE#1 and NE#2, his arrest, and his later conversation with a Sergeant were captured on Body Worn Video (BWV). The BWV establishes that the conduct alleged by the Complainant did not occur. It further establishes that, during the Complainant's conversation with the Sergeant, he denied being in pain and that he admitted that he was under the influence of methamphetamines.

The BWV conclusively disproves that NE#1, NE#2, or any other officers violated the complainant in a sexual manner as he alleged. Indeed, the video evidence indicates that the Complainant's allegation is frivolous. As such, I recommend that this allegation be Not Sustained – Unfounded as against both Named Employees.

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

Named Employee #2 - Allegation #1

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

For the same reasons as stated above (see Named Employee #1, Allegation #1), I recommend that this allegation be Not Sustained – Unfounded.

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