



## OFFICE OF POLICE ACCOUNTABILITY

### Closed Case Summary

Complaint Number 2016OPA-0464

Issued Date: 11/09/2017

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

#### **INCIDENT SYNOPSIS**

Named Employee #1 arrested the complainant.

#### **COMPLAINT**

The complainant alleged that Named Employee #1 punched him in the face off camera.

#### **INVESTIGATION**

The OPA investigation included the following actions:

1. Review of the complaint memo
2. Review of In-Car Videos (ICV)
3. Search for and review of all relevant records and other evidence

## **ANALYSIS AND CONCLUSION**

The complainant alleged that, after his arrest, Named Employee #1 punched him in the face. The complainant asserted that this punch occurred off camera. This assertion was made during his intake into the jail. The complainant then recanted that statement, stating that he lied. Regardless, the allegation was reported to SPD. A sergeant contacted the complainant at the jail and the complainant again asserted that Named Employee #1 punched him and that the punch was not recorded on video.

OPA reviewed all of the In-Car Video (ICV) relating to this case and there was no evidence that the complainant was struck by Named Employee #1. Here, however, the complainant alleged that the punch occurred off camera. As such, the punch would have not been displayed on the ICV regardless. The ICV did show the complainant spitting and kicking while in the back of the patrol car. The complainant continued to spit while in his cell in the jail and further urinated in his cell.

As indicated above, there was no video evidence that Named Employee #1 punched the complainant. Moreover, from a review of the ICV, the audio also did not support the conclusion that force was used. Further, no injuries were observed on the complainant when he was at the jail.

## **FINDINGS**

### **Named Employee #1**

#### **Allegation #1**

The preponderance of the evidence showed that there was no video, audio, or physical evidence supporting the allegation. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Using Force: Use of Force: When Authorized*.

*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.*