



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-1265

Issued Date: 05/12/2017

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 6.180 (2.e.) Searches-General: There are Specific Exceptions to the Search Warrant Requirement: Search Incident-to-Arrest / Custodial Search (Policy that was issued January 1, 2015)
OPA Finding	Not Sustained (Unfounded)
Allegation #2	<u>Seattle Police Department Manual</u> 8.400 (1) Use of Force Reporting and Investigation: Officers Shall Report All Uses of Force Except De Minimis Force (Policy that was issued September 1, 2015)
OPA Finding	Not Sustained (Unfounded)
Allegation #3	<u>Seattle Police Department Manual</u> 5.001 (9) Standards and Duties: Employees Shall Strive to be Professional at all Times (Policy that was issued April 1, 2015)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual 5.001 (9) Standards and Duties: Employees Shall Strive to be Professional at all Times (Policy that was issued April 1, 2015)</u>
OPA Finding	Not Sustained (Inconclusive)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employees arrested the complainant.

COMPLAINT

The complainant was recently arrested. She alleged that during the arrest the following happened: (1) she was inappropriately touched by Named Employee #1 during a weapon search; (2) Named Employee #2 used unprofessional language when he talked with her; (3) the handcuffs were applied too tight causing her pain that was never addressed by the Named Employees; (4) she was kept in handcuffs during the entire time she was detained; and (5) she was not allowed to use a phone while in custody at the police precinct.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint
2. Interview of the complainant
3. Search for and review of all relevant records and other evidence
4. Review of In-Car Videos (ICV)
5. Interviews of SPD employees

ANALYSIS AND CONCLUSION

The preponderance of the evidence from the OPA investigation supported the conclusion that Named Employee #1 followed policy and training in conducting a pat-down search of the female complainant as part of the arrest procedure. Specifically, video and testimonial evidence did not support the complainant's allegation that Named Employee #1 inappropriately grabbed or groped the complainant's breast and/or buttocks. Instead, the evidence showed that Named Employee #1 followed his training in how to conduct a proper search. The evidence also showed that Named Employee #1, a Student Officer at the time, was told by his Field Training

Officer that no female officer was immediately available to respond within a reasonable amount of time and conduct the search of the female subject.

The preponderance of the evidence from the OPA investigation showed that the complainant did not report pain or injury from the handcuffs to Named Employee #1, or any other officer. As a result, Named Employee #1 had no obligation to report a Type I use of force.

The preponderance of the evidence from the OPA investigation showed that Named Employee #1 made no statements nor took any actions with respect to the complainant that were inconsistent with the requirements of this policy. Specifically, video and testimonial evidence showed that Named Employee #1 never used any profanity or other unprofessional language in the presence of the complainant.

The complainant alleged that Named Employee #2 told her to “shut the fuck up.” None of the ICV from this incident contained audio of Named Employee #2 saying this. The holding cell video from the precinct did show that Named Employee #2 was in the holding cell with the complainant at some time and it appeared they were interacting with each other. Named Employee #2 denied using the alleged language with the complainant. No audio from holding cells is recorded.

FINDINGS

Named Employee #1

Allegation #1

A preponderance of the evidence supported the conclusion that Named Employee #1 followed policy and training. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Searches-General: There are Specific Exceptions to the Search Warrant Requirement: Search Incident-to-Arrest / Custodial Search.*

Allegation #2

A preponderance of the evidence showed that Named Employee #1 had no obligation to report a Type I use of force. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Use of Force Reporting and Investigation: Officers Shall Report All Uses of Force Except De Minimis Force.*

Allegation #3

A preponderance of the evidence showed that Named Employee #1 made no statements nor took any actions with respect to the complainant that were inconsistent with the requirements of this policy. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Standards and Duties: Employees Shall Strive to be Professional at all Times.*

Named Employee #2

Allegation #1

There was not a preponderance of the evidence either supporting or refuting the allegation. Therefore a finding of **Not Sustained** (Inconclusive) was issued for *Standards and Duties: Employees Shall Strive to be Professional at all Times.*

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.