



## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Closed Case Summary

Complaint Number OPA#2015-1548

Issued Date: 04/08/2016

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 6.180 (2e) Searches - General: Search Incident to Arrest / Custodial (Policy that was issued 01/01/2015)
OPA Finding	<b>Not Sustained</b> (Lawful and Proper)
Allegation #2	<u>Seattle Police Department Manual</u> 5.001 (9) Employees Shall Strive to be Professional at all Times (Policy that was issued 05/16/2012)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Final Discipline	N/A

#### **INCIDENT SYNOPSIS**

The Named Employee and another officer responded as a backing unit to a disturbance of a female arguing with a male. The female was armed with a knife. When the officers approached her, she produced the knife and opened it in front of the officers. She was ordered several times to drop it, which she eventually did. The Named Employee performed a frisk of the female to search for additional weapons.

#### **COMPLAINT**

The complainant alleged that after she dropped her knife to the ground the Named Employee sexually assaulted her when he frisked her.

## **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. Interview of SPD employees

## **ANALYSIS AND CONCLUSION**

The OPA investigation documented that the Named Employee needed to conduct a frisk for additional weapons based on the nature of the event. It was reasonable for the male officer to conduct the search on the female subject because to delay the search and wait for a female officer would have increased the risk to the officers. The preponderance of the evidence showed that the allegation did not occur as the complainant alleged.

## **FINDINGS**

### **Named Employee #1**

#### Allegation #1

The evidence supports that the Named Employee acted reasonably by conducting the search in order to reduce the risk to the officers. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Searches - General: Search Incident to Arrest / Custodial*.

#### Allegation #2

The preponderance of the evidence showed that the Named Employee did not act in an unprofessional manner as alleged. Therefore a finding of **Not Sustained** (Unfounded) was issued for *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.*