



CLOSED CASE SUMMARY

ISSUED DATE: APRIL 26, 2018

CASE NUMBER: 2017OPA-1158

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) |

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:

While watching video during a review of force, a Department Administrative Lieutenant heard the Complainant allege that she was being raped by unknown officers during her arrest. Pursuant to SPD policy, the Lieutenant referred this matter to OPA.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

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

Officers were dispatched to an assault call in which it was alleged that several people had been assaulted by the Complainant. The officers developed reasonable suspicion to detain the Complainant after speaking with the victims. One victim thought that the Complainant was in crisis. The Complainant was detained and told that she was not free to leave; however, she fled on foot when she was positively identified as the perpetrator by a victim.

Officers were able to locate the Complainant after she fled, but she resisted their attempts to place her into custody. Officers took the Complainant to the ground to overcome her resistance. After the Complainant was handcuffed, she was lifted off of the ground but she began to assault the officers. The Complainant was again placed on the ground to control her body and to stop her assaultive behavior.

The In-Car Video (ICV) of this incident captured the moment when the Complainant was placed under arrest while on the ground. There were several officers standing near her at that time, as well as a number of customers from a nearby restaurant. The Complainant claimed that the police were raping her. Although the Complainant’s body could not be completely seen on the ICV because she was on the ground behind planter boxes, there was no indication from the video, from the conduct of the officers, or from the reaction of the civilians watching the incident that she was being sexually assaulted.

However, given the Complainant’s serious allegations, OPA referred this matter to SPD for criminal review. The Department’s Investigations Bureau completed a thorough review in which they determined that no criminal activity took place. This matter was then referred back to OPA and this investigation ensued.



SPD Policy 5.001-POL-2 requires that SPD employees adhere to laws, City policy and Department policy. It further mandates that employees comply with the SPD Manual. (SPD Policy 5.001-POL-2.)

Based on the objective evidence in this case, including the ICV, I find the Complainant's allegation that officers were raping her at the time of her arrest to be frivolous. I find that she was almost certainly in crisis and her mental condition, not the officers' conduct, was the basis for her allegations. I conclude that there is no evidence of any criminal activity on the behalf of these unknown officers or, for that matter, any evidence that the officers acted contrary to SPD policy at any time during their interaction with the Complainant. For these reasons, I recommend that this allegation be Not Sustained – Unfounded.

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