



## CLOSED CASE SUMMARY

ISSUED DATE: APRIL 30, 2019

CASE NUMBER: 2018OPA-1111

### Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 10. Employees Shall Strive to be Professional	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 the Named Employee treated him unprofessionally when he made rude jokes and comments to the Complainant while transporting him from SPD’s East Precinct to the King County Jail. The Complainant further alleged that the Named Employee grabbed his crotch as he reached across him to release the seatbelt after they arrived.

### ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the Office of Inspector General’s review and approval, believed that it could reach and issue recommended findings based solely on its intake investigation and without interviewing the Named Employee. As such, the Named Employee was not interviewed as part of this case.

### ANALYSIS AND CONCLUSIONS:

#### **Named Employee #1 - Allegations #1**

#### ***5.001 - Standards and Duties 10. Employees Shall Strive to be Professional***

Named Employee #1 (NE#1) transported the Complainant to the King County Jail (KCJ) from SPD’s East Precinct following the Complainant’s arrest on November 5, 2018. After the Complainant was jailed at KCJ, he reported to a KCJ employee that NE#1 inappropriately grabbed his crotch “hard” in the process of removing him from the backseat of the patrol vehicle. The KCJ notified SPD and a Department Sergeant arrived to investigate the Complainant’s allegation. The Complainant agreed to an audio-recorded interview. During that interview, the Complainant stated that NE#1 made rude jokes and comments to him while they were driving to the KCJ. He also provided a detailed explanation of how NE#1 grabbed his crotch “hard.”

The Complainant additionally submitted two brief hand-written statements in which he disputed facts associated with his arrest and complained about NE#1’s actions during the transport and when they arrived at the KCJ. OPA reviewed those statements, which were similar to the allegations made by the Complainant to the SPD supervisor.



---

OPA attempted to interview the Complainant to learn more about his allegations; however, OPA's efforts went unanswered by the Complainant and his attorney.

Body Worn Video (BWV) and In-Car Video (ICV) of NE#1's transport to and arrival at the KCJ were reviewed by OPA. In those recordings, NE#1 was shown to have acted professionally throughout his interactions with the Complainant. NE#1 had limited communication with the Complainant. Initially, NE#1 informed the Complainant that NE#1 would be the person transporting him to the jail, which was followed by NE#1 offering the Complainant a drink of water. NE#1 informed the Complainant that his personal belongings would be stored in the evidence unit for safekeeping and that NE#1 would give the Complainant a receipt for those belongings. OPA found no evidence of NE#1 making rude jokes or comments to the Complainant. The BWV and ICV were turned off after NE#1 arrived inside the protected area of the jail, which was consistent with SPD policy. As such, there was no audio or video recordings of the Complainant's removal from the back of the patrol vehicle.

SPD Policy 5.001-POL-10 requires that SPD employees "strive to be professional at all times." The policy further instructs that "employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers." If, as the Complainant alleged, that NE#1 made rude jokes and comments to him and grabbed his crotch it would have, at a minimum, been a violation of this policy.

As discussed above, based on the available independent evidence provided by the BWV and ICV recordings, NE#1 acted professionally and followed SPD policies and procedures throughout his interactions with the Complainant. The video specifically disproves the Complainant's allegation about NE#1's having made rude jokes and comments to him during his transport.

With regard to the allegation that NE#1 grabbed the Complainant's crotch, OPA also finds that allegation to be inconsistent with the objective evidence. Most notably, the Complainant's claim that NE#1 reached across his body to release him from his seatbelt and then grabbed his crotch, is inconsistent with the operation of patrol vehicle seatbelts. These seatbelts are specifically designed to eliminate the need for an officer to reach across a detainee for officer safety reasons. Indeed, the video showed that, when NE#1 initially secured the Complainant in the rear of the patrol vehicle, he did not reach across the Complainant's body to do so. Further, the fact that the Complainant's allegations concerning NE#1's professionalism were clearly false provides an additional basis for OPA to doubt the veracity of his claim that NE#1 grabbed his crotch.

For the above reasons, I find that the allegation that NE#1 engaged in unprofessional conduct towards the Complainant to be unsupported by the evidence. As such, I recommend that this allegation be Not Sustained – Unfounded.

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