



## OFFICE OF POLICE ACCOUNTABILITY

### Closed Case Summary

Complaint Number 2016OPA-0881

Issued Date: 02/27/2018

Named Employee #1	
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)
Allegation #2	<u>Seattle Police Department Manual</u> 5.001 (2) Standards and Duties: Employees Must Adhere to Laws, City Policy and Department Policy (Policy that was issued April 1, 2015)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Final Discipline	N/A

#### **INCIDENT SYNOPSIS**

While being booked into jail, the complainant made several allegations against the Named Employee, which, if true, would have violated SPD Policies 5.001(3) and 8.200(1).

#### **COMPLAINT**

The complainant alleged that the Named Employee used excessive force.

## **INVESTIGATION**

The OPA investigation included the following actions:

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

## **ANALYSIS AND CONCLUSION**

The complainant alleged that Named Employee #1 used excessive force during the booking process in the jail by slamming him into a counter. A Department Sergeant responded to the jail to investigate this allegation. As part of that investigation, the Sergeant discussed the allegation with the complainant. During that conversation, the complainant further alleged that Named Employee #1 pulled his hair when he was in the jail holding cell.

During its investigation, OPA reviewed Named Employee #1's In-Car Video (ICV) and video from the jail. Based on a review of this video, Named Employee #1 did not appear to have used any force on the complainant either during the arrest or booking process. Further, video of the holding cell indicated that Named Employee #1 was not present in that vicinity and did not contact the complainant during that time. While the jail staff did, at one point, use control holds on the complainant when he was non-compliant, Named Employee #1 was not involved in that use of force. OPA did, however, notify the jail's internal investigatory body of this incident.

The complainant alleged that, at some point during this incident, Named Employee #1 stared at his penis and sexually harassed him. Again, the objective evidence in this case – namely the ICV and jail video, did not indicate any inappropriate actions or comments by Named Employee #1 during the arrest or booking process. From the OPA Director's review of the video, Named Employee #1 appeared to have been professional in his tone and demeanor when interacting with the complainant.

## **FINDINGS**

### **Named Employee #1**

#### **Allegation #1**

A preponderance of the evidence showed that Named Employee #1 did not appear to have used any force on the complainant either during the arrest or booking process. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Using Force: Use of Force: When Authorized*.

Allegation #2

A preponderance of the evidence did not indicate any inappropriate actions or comments by Named Employee #1 during the arrest or booking process. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Standards and Duties: Employees Must Adhere to Laws, City Policy and Department Policy*.

*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.*