



OFFICE OF POLICE ACCOUNTABILITY

Closed Case Summary

Complaint Number 2017OPA-0496

Issued Date: 10/17/2017

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	Not Sustained (Unfounded)
Final Discipline	N/A

Named Employee #2	
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	Not Sustained (Unfounded)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employees were involved in the arrest and detainment of the complainant.

COMPLAINT

The complainant alleged that while being detained in a holding cell, the Named Employee and other unidentified officers forced his face into the holding cell wall causing injury to his nose.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint memo
2. Review of holding cell and other videos
3. Search for and review of all relevant records and other evidence

ANALYSIS AND CONCLUSION

The complainant was placed under arrest by SPD officers based on his involvement in a physical altercation with another arrested individual. (See General Offense Report.) At the time of his arrest, the complainant had several injuries, including: a cut to his forehead; a bloodshot eye; a cut on his ear that was covered with blood; and bleeding from his nose. (See id.) Officers also reported that the complainant was intoxicated. (See id.)

The complainant was transported to the precinct where he was placed into a holding cell. (See id.) He remained in that holding cell until his arrest was screened by a sergeant. (See OPA Original Complaint Summary.) At that point, the sergeant observed blood on the floor and smeared on the walls. (See id.) The sergeant interviewed the complainant in Spanish with Named Employee #1 acting as the interpreter. (See id.) At that time, the complainant alleged that officers, including Named Employee #1, had entered the cell and shoved his face against the wall, causing his nose to bleed. (See id.) Based on the complainant's allegations, the sergeant initiated an OPA complaint (see id.), and this investigation followed.

In a later written report, Named Employee #1 denied pushing the complainant's face into the wall and noted that the complainant's time spent in the holding cell was videotaped and the videotape did not indicate any contact between him and officers. (See General Offense Report.)

Based on OPA's review of the video from the precinct and from the holding cell, the OPA Director agreed. The holding cell video recorded the complainant walking up to the wall and rubbing his nose on it. It then showed him doing so a second time and thereafter his nose started bleeding. No officers were present in the holding cell when the subject caused his own nose to bleed. Earlier holding cell video showed officers escorting the complainant into the holding cell without incident. It did not depict the complainant making contact with the wall or any other hard surface. From a review of the entirety of the video, no officer used any force on the complainant. The complainant thus appeared to have deliberately fabricated this allegation.

FINDINGS

Named Employees #1 and #2

Allegation #1

A preponderance of the evidence showed that no officer used any force on the complainant. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Using Force: Use of Force: When Authorized*.

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.