



## CLOSED CASE SUMMARY

ISSUED DATE: OCTOBER 7, 2018

CASE NUMBER: 2018OPA-0324

### Allegations of Misconduct & Director’s Findings

#### Named Employee #1

Allegation(s):		Director’s Findings
# 1	1.145 – Use of Force X. Use of Less Lethal Force	Not Sustained (Unfounded)
# 2	1.145 – Use of Force XI. Reporting the Use of Force	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 an unknown SPD employee subjected him to excessive force. It was further alleged that the Named Employee may have failed to report that claimed force.

#### ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the OPA Auditor’s review and approval, believed that it could reach and issue recommended findings based solely on its intake investigation and without interviewing any involved officers.

In addition, as the force at issue in this case was alleged to have been used in 2004, the allegations herein are evaluated under the policy that was in force at that time.

#### ANALYSIS AND CONCLUSIONS:

##### **Named Employee #1 - Allegation #1**

##### ***1.145 – Use of Force X. Use of Less Lethal Force***

The Complainant alleged that an unknown SPD employee used excessive force on him in October 2004. OPA’s investigation located a CAD Call Report that indicated that officers were dispatched to Rainier Avenue South and McClellan in response to two men who were fighting. The Complainant, who was one of the combatants, was transported to Harborview Medical Center (HMC). No General Offense Report was generated concerning this incident. Moreover, there was no report of any force being used on the Complainant by the officers. OPA further learned that the Complainant later left HMC and was contacted again by police when he was causing a disturbance while nude. The officers then transported the Complainant to HMC for the second time.

The Complainant alleged that the officers only took him to HMC once. He claimed that after officers initially contacted him at Rainier and McClellan, the unknown SPD employee choked him until he was unconscious, stripped



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him of his clothes, drove him to I-90 where he was tased by the unknown SPD employee, and then transported him to HMC. The Complainant believes that HMC is working with SPD to cover up what happened.

OPA was unable to locate any evidence of the use of force described by the Complainant. Moreover, a private investigator that the Complainant hired was unable to locate any evidence of force being used on the Complainant or any injuries being documented.

Ultimately, there is simply no evidence supporting the Complainant's allegation that he was subjected to excessive force by an unknown SPD employee in 2004. As such, I recommend that this allegation be Not Sustained – Unfounded.

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

**Named Employee #1 - Allegation #2**

***1.145 – Use of Force XI. Reporting the Use of Force***

As discussed above, I find that there is no evidence supporting the Complainant's assertion that an unknown SPD employee subjected him to excessive force in 2004. Given that I find that there is no evidence indicating that the incident described by NE#1 occurred, I similarly find that there was no obligation to report force that was not used. For these reasons, I recommend that this allegation be Not Sustained – Unfounded.

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