



## **CLOSED CASE SUMMARY**

ISSUED DATE: FEBRUARY 12, 2018

CASE NUMBER: 2017OPA-0856

### **Allegations of Misconduct & Director’s Findings**

**Named Employee #1**

<b>Allegation(s):</b>		<b>Director’s Findings</b>
# 1	5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy	Not Sustained (Unfounded)
# 2	5.001 - Standards and Duties 9. Employees Shall Strive to be Professional at all Times	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 Named Employee #1 touched him inappropriately while searching him incident to arrest.

#### **ANALYSIS AND CONCLUSIONS:**

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

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

The Complainant was arrested for domestic violence assault. Prior to placing the Complainant in the backseat of a patrol car, Named Employee #1 (NE#1) and another officer searched him incident to arrest. When the officer conducted his portion of the search, the Complainant told him not to touch his “dick.” The officer indicated that he was not searching in that vicinity and no further complaint was made with regard to the officer’s actions. However, several times during and after the subsequent search conducted by NE#1, the Complainant stated: “you grabbed my ass it’s harassment.” NE#1 denied doing so.

The Complainant was interviewed by a Sergeant after the search. The Complainant reiterated his allegation that NE#1 had grabbed his “ass” inappropriately. The Sergeant interviewed the Complainant a second time while the Complainant was incarcerated at the King County Jail. The Complainant again alleged inappropriate touching.

NE#1 was interviewed by OPA. NE#1 denied inappropriately touching the Complainant and stated that he conducted a normal search incident to arrest. NE#1 stated that while he was required to sweep the waistband of the Complainant’s pants near the top of his buttocks and search his back pockets, he did not improperly grab or touch the Complainant at any time. NE#1 stated that he called a Sergeant to the scene out of an abundance of caution and due to the nature of the Complainant’s allegations. The other officer was also interviewed and reported that neither he nor NE#1 touched the Complainant inappropriately. OPA tried to interview the Complainant but was ultimately unsuccessful.



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SPD Policy 5.001-POL-2 requires that SPD employees adhere to laws, city policy and Department policy. If officers sexually assaulted a complainant, as is alleged here, that conduct would constitute a violation of law and, thus, a violation of this portion of the policy.

In this case, however, I find no evidence that NE#1 or, for that matter, the other officer touched the Complainant inappropriately. I base this conclusion both on their statements and on my review of the In-Car Video. As such, I recommend that this allegation be Not Sustained – Unfounded.

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

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

***5.001 - Standards and Duties 9. Employees Shall Strive to be Professional at all Times***

SPD Policy 5.001-POL-9 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.” (SPD Policy 5.001-POL-9.)

Presumably, this allegation was classified based on the fact that, if NE#1 touched the Complainant inappropriately, it would have constituted unprofessional conduct. As indicated above, I find that the evidence indicated that NE#1 did not do so and, accordingly, he did not act unprofessionally in this regard.

Moreover, I find that NE#1’s overall conduct during this incident was professional and commendable, particularly in light of the apparently frivolous allegations made against him.

For these reasons, I recommend that this allegation be Not Sustained – Unfounded.

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