



CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 27, 2018

CASE NUMBER: 2017OPA-1089

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy	Not Sustained (Unfounded)

Named Employee #2

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy	Not Sustained (Unfounded)

Named Employee #3

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy	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 claimed that he was sexually assaulted by Officers at the scene of the incident. This case was designated as an expedited investigation with approval of the OPA Auditor.

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 Named Employees were dispatched to investigate an assault. The officers activated both their In-Car Video (ICV) and Body Worn Video (BWV). During the course of their response to this call, the Named Employees developed probable cause to arrest the Complainant. Named Employee #1 (NE#1) and Named Employee #3 (NE#3) handcuffed the Complainant without incident. NE#3 and Named Employee #2 (NE#2) walked the Complainant to the front of a patrol vehicle, read him Miranda warnings, and indicated that he was going to be searched. While NE#2 stood to one side of the Complainant, NE#3 searched him. The search was cursory and completely recorded on video.

After his arrest and once he was transported to the King County Jail, the Complainant asserted that he was sexually assaulted by a Seattle Police officer during his arrest. He did not clarify which officer had allegedly sexually assaulted him. Accordingly, a Department supervisor initiated this OPA complainant and this investigation followed.



As indicated above, the entirety of the search of the Complainant was recorded on video. At no time were any of the Complainant's clothes removed, nor did any of the officers inappropriately touch or sexually assault the Complainant. Notably, the Complainant was inebriated and, after the search, called one of the officers a "cock sucker." Frankly, based on my review of the evidence, including objective video, I find the Complainant's allegation to be frivolous and offensive to these officers who dealt with him professionally and respectfully.

For these reasons, I recommend that this allegation be Not Sustained – Unfounded as against all of the Named Employees.

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

Named Employee #2 - Allegation #1

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

For the same reasons as stated above (see Named Employee #1, Allegation #1), I recommend that this allegation be Not Sustained – Unfounded.

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

Named Employee #3 - Allegation #1

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

For the same reasons as stated above (see Named Employee #1, Allegation #1), I recommend that this allegation be Not Sustained – Unfounded.

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