



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2015-1619

Issued Date: 05/16/2016

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 6.180 (2.e) Searches - General: Search Incident to Arrest / Custodial (Policy that was issued 01/01/2015)
OPA Finding	Not Sustained (Lawful and Proper)
Allegation #2	<u>Seattle Police Department Manual</u> 5.001 (9) Employees Shall Strive to be Professional at all Times (Policy that was issued 04/01/2015)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employee responded to a disturbance of a male chasing a person with a knife. The Named Employee responded to the area and located a female subject, the complainant. The complainant matched the description exactly, other than gender. From a distance the complainant could be mistaken for a male. The Named Employee contacted the complainant and removed a knife from her right pants pocket. Since a victim had not been identified and the knife carried by the complainant was of legal length, she was released at the scene.

COMPLAINT

The complainant alleged that the Named Employee sexually assaulted her as she was being patted down for weapons.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint
2. Search for and review of all relevant records and other evidence
3. Review of In-Car Video (ICV)
4. Interview of SPD employee

ANALYSIS AND CONCLUSION

The OPA investigation included a careful review of the available In-Car Video (ICV) and reports completed at the time of the event. In his OPA interview, the Named Employee clearly identified the basis for his belief that the subject would likely be armed and the immediate need to control the subject and then to recover the weapon. The OPA investigation did not identify information to support the allegation of unprofessional conduct on the part of the Named Employee.

FINDINGS

Named Employee #1

Allegation #1

A preponderance of the evidence supports that the Named Employee conducted a proper search. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Searches - General: Search Incident to Arrest / Custodial*.

Allegation #2

There was no evidence to support the allegation of unprofessional conduct on the part of the Named Employee. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Employees Shall Strive to be Professional at all Times*.

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.