



CLOSED CASE SUMMARY

ISSUED DATE: JUNE 19, 2018

CASE NUMBER: 2017OPA-1296

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)

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 the Named Employee sexually assaulted him.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

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

Officers responded to a report of an individual who had made several threats, including to commit arson and to shoot the 911 dispatcher. The Complainant was arrested after probable cause was developed. The Complainant was handcuffed and placed into the rear of a patrol vehicle. He was then transported to the King County Jail (KCJ) by Named Employee #1 (NE#1) and another officer. Due to the Complainant’s behavior, which the officers deemed aggressive, they requested that KCJ employees meet them in the jail’s sally port. KCJ staff removed the Complainant from the patrol vehicle and took him inside of the jail. While the Complainant was being booked into the jail, a KCJ employee re-entered the sally port and informed NE#1 that the Complainant had alleged that NE#1 raped him. It was relayed that the Complainant alleged that the rape occurred in the sally port.

Given the nature of the allegations, NE#1 reported the claim to a supervisor. The supervisor performed a preliminary investigation, including screening the matter with both OPA and the Department’s Force Investigation Team. While he ultimately deemed the claim meritless, he still referred this case to OPA. OPA, in turn, sent this matter back to SPD for criminal investigation. After conducting a thorough investigation, which included watching video and interviewing the Complainant, the criminal investigator deemed the Complainant’s rape allegation unfounded. This matter was referred back to OPA and this investigation ensued. Given the comprehensive nature of the criminal investigation and due to the fact that the entirety of NE#1’s interaction with the Complainant was captured by video, this case was designated as an expedited investigation. As such, NE#1 was not interviewed.

SPD Policy 5.001-POL-2 requires SPD employees to adhere to laws, City policy, and Department policy. If the Complainant’s allegations were true and NE#1 raped him, such conduct would constitute a violation of this policy. However, the record conclusively establishes that this never occurred. Notably, all of NE#1’s interactions with the



Complainant were captured by video. The video proves that the Complainant's allegation is frivolous, insulting to NE#1, and, frankly, a reprehensible and unacceptable abuse of the police accountability system. For these reasons, I recommend that this allegation be Not Sustained – Unfounded.

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