



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2014-0095

Issued Date: 03/26/2015

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 8.400 – POL-1 (11) Command Review of Use of Force (Lieutenant) (Policy that was issued 1/1/14)
OPA Finding	Not Sustained (Management Action)
Final Discipline	N/A

INCIDENT SYNOPSIS

On March 11, 2014 SPD employees arrested a robbery suspect and Type II Use of Force was documented. The arrest was screened by a supervisor who also documented the use of force. The use of force packet was sent back by the named employee to the supervisor for clarification. Due to one of the involved employees being away on a duty related injury, the use of force packet was delayed in getting back to the named employee. The named employee then went on vacation and was transferred to another precinct prior to reviewing and submitting the use of force packet to the Use of Force Review Board. The Use of Force Review Board did not get the packet to review until May 1, 2014.

COMPLAINT

The complainant, a supervisor within the Department, alleged that the named employee did not forward a Use of Force packet in a timely manner.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint e-mail
2. Review of the use of force packet
3. Interviews of SPD employees

ANALYSIS AND CONCLUSION

The weight of the evidence showed that the named employee did not complete his review section of the Use of Force review packet within the 72 business house as required by policy. However, since the implementation of the use of force policy, it has been noted in this and several other cases the absence of consistently applied methods of timeliness and review of the use of force investigations by the chain of command, particularly when one or more reviewers are out of the office for more than a day or two on authorized absences. It is recommended that SPD make the necessary process changes to ensure that pending use of force reviews are either completed before a supervisor goes on leave, or in the case of an unplanned absence of a supervisor, are conducted by another supervisor of the same rank.

FINDINGS

Named Employee #1

Without consistently applied methods of timeliness, especially due to a scheduled or unscheduled absence by a supervisor, it is recommended that a process change is made to prevent the delay of Use of Force reviews. Therefore a finding of **Not Sustained** (Management Action) was issued for *Command Review of Use of Force (Lieutenant)*.

The OPA Director's letter of Management Action recommendation to the Chief of Police is attached to this report.

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.



City of Seattle

Office of Professional Accountability

November 6, 2014

Chief Kathleen M. O'Toole
Seattle Police Department
PO Box 34986
Seattle, WA 98124-4986

RE: MANAGEMENT ACTION RECOMMENDATION (OPA 2014-0095)

Dear Chief O'Toole:

As you know, I or my representative attends every Force Review Board (FRB) session. In that context, I am able to observe the quality and timeliness of the force investigations and reviews that the chain of command conducts following every Type 2 use of force. In addition, the Office of Professional Accountability (OPA) conducts investigations into a use of force by a Seattle Police Department (SPD) officer when a complaint is filed with OPA. In such cases, OPA depends heavily on the quality and timeliness of the force investigations and reviews conducted by the chain of command. Often, the ability of OPA to conduct an objective investigation into a complaint of excessive force is directly impacted by the timely identification and interviewing of key witnesses and collection of perishable evidence by SPD supervisors and managers.

While I have noted significant improvement in the timeliness with which SPD supervisors and managers investigate and review use of force incidents, there remains room for improvement. As our investigation into the above referenced complaint pointed out, scheduled and unscheduled absences from work by supervisors and management continues to present a significant impediment to the timely completion of chain of command reviews of force. In more than one case, we, along with the FRB and members of the Monitoring Team, have noted that the review process comes to a halt for days or even weeks while a supervisor or manager is absent from work (e.g., vacation, sick leave, training, etc.). I believe this problem can be readily corrected with a few changes to the process the chain of command uses in their review of force incidents.

Therefore, it is my recommendation that SPD make the necessary process changes to ensure that pending force reviews are either completed before a supervisor goes on leave or, in the case of an unplanned absence of a supervisor, are conducted by another supervisor of the same rank.

As with other Management Action recommendations from OPA, I welcome your questions and would appreciate a response to the recommendation and notification of the final outcome of any actions taken in response.

Sincerely,

A handwritten signature in black ink, appearing to read "Pierce Murphy".

Pierce Murphy
Director, Office of Professional Accountability