



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2015-0082

Issued Date: 02/11/2016

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 8.100 (1) Using Force: When Authorized (Policy that was issued 01/01/14)
OPA Finding	Sustained
Allegation #2	<u>Seattle Police Department Manual</u> 14.100 (10) Demonstration Management: Officers May Make Individual Decisions to Deploy OC – OC Will be Directed at the Specific Subject(s) who are Posing a Threat (Policy that was issued 01/01/14)
OPA Finding	Sustained
Final Discipline	Written Reprimand and Retraining on SPD Policy 8.100 and 14.090(10)

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 8.100 (1) Using Force: When Authorized (Policy that was issued 01/01/14)
OPA Finding	Sustained
Allegation #2	<u>Seattle Police Department Manual</u> 14.100 (10) Demonstration Management: Officers May Make Individual Decisions to Deploy OC – OC Will be Directed at the Specific Subject(s) who are Posing a Threat (Policy that was issued 01/01/14)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	Oral Reprimand and Additional Training

INCIDENT SYNOPSIS

The named employees were working during a demonstration.

COMPLAINT

The complainant alleged that the named employees used OC spray in a manner not consistent with Seattle Police Department policy.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint email
2. Interview of the complainant
3. Search for and review of all relevant records and other evidence
4. Review of In-Car Videos
5. Review of Body Worn Videos
6. Interviews of SPD employees

ANALYSIS AND CONCLUSION

The investigation showed that the officers were working when an unpermitted demonstration followed a permitted march. The named employees and other bike officers responded to a “Help the Officer!” call broadcast over the radio after a SPD Officer assigned to a mobile fence line went to the ground and was injured. Named employee #1 deployed his OC spray on several occasions including the first time within five seconds after arriving at this location. Three people received this deployment but they were approximately 20 feet away from the injured officer and were not posing a threat to named employee #1 or other officers. Per SPD Policy,

OC will be directed at the specific subject(s) who are posing a threat. Named employee #1 deployed his OC spray to another individual, who was walking at a slow pace with his hands visible, no visible weapon and who posed no threat. Named employee #2 deployed his OC spray initially at an individual who was over 20 feet away from the injured officer and posed no threat. Named employee #2 deployed his OC spray a second time at the same individual while he was over 30 feet away from the injured officer and still posed no threat. An officer shall use only the force reasonable, necessary, and proportionate to effectively bring an incident or person under control, while protecting the lives of the officer or others.

FINDINGS

Named Employee #1

Allegation #1

The weight of the evidence showed that named employee #1 used force in a manner that was not in compliance with this SPD Policy. Therefore a **Sustained** finding was issued for *Using Force: When Authorized*.

Allegation #2

The weight of the evidence showed that named employee #1 deployed OC spray in a manner that was not in compliance with this SPD Policy. Therefore a **Sustained** finding was issued for *Demonstration Management: Officers May Make Individual Decisions to Deploy OC – OC Will be Directed at the Specific Subject(s) who are Posing a Threat*.

Discipline imposed: Written Reprimand and Retraining on SPD Policy 8.100 and 14.090(10)

Named Employee #2

Allegation #1

The weight of the evidence showed that named employee #2 used force in a manner that was not in compliance with this SPD Policy. Therefore a **Sustained** finding was issued for *Using Force: When Authorized*.

Allegation #2

The evidence showed that named employee #2 did not violate this SPD policy with respect to the use of OC Spray. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Demonstration Management: Officers May Make Individual Decisions to Deploy OC – OC Will be Directed at the Specific Subject(s) who are Posing a Threat*.

Discipline imposed: Oral Reprimand and Additional Training

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.