



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2015-0921

Issued Date: 03/21/2016

| Named Employee #1 | |
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| Allegation #1 | <u>Seattle Police Department Manual</u> 8.200-POL-2 (4) Canine Deployment: Police Canines Shall Be Deployed as a Force Tactic Only When Objectively Reasonable (Policy that was issued 01/01/2014) |
| OPA Finding | Not Sustained (Training Referral) |
| Allegation #2 | <u>Seattle Police Department Manual</u> 8.200-POL-4 (9) Pointing a Firearm at a Person is Reportable Force (Policy that was issued 01/01/2014) |
| OPA Finding | Not Sustained (Training Referral) |
| Allegation #3 | <u>Seattle Police Department Manual</u> 16.090 (2) In Car Video System: All Employees Must be in Uniform and Wear a Portable Microphone (Policy that was issued 02/01/2015) |
| OPA Finding | Sustained |
| Final Discipline | Written Reprimand by Supervisor |

INCIDENT SYNOPSIS

The named employee, a Canine Officer, responded to a report of a man trying door handles of cars parked along a street. The named employee saw a pedestrian crossing the street further down the block and went to make contact. As he exited his patrol vehicle to make contact with the pedestrian, he observed a man that matched the description of the suspect standing by a tree. The named employee drew his handgun and demanded that both subjects show their

hands. The pedestrian complied, but the suspect did not. The named employee pointed his handgun in the direction of the suspect. The suspect then fled and the named employee continued pointing his handgun in the direction the suspect was moving, which crossed past the pedestrian. The named employee told the suspect to stop and warned him that he would release his police dog. The patrol vehicle door was opened remotely for the police dog. The police dog ran past the pedestrian and after the suspect. As the police dog was deploying, the named employee lost sight of the suspect. The police dog almost immediately located the suspect crouched down and hiding in some bushes. The named employee reported that he could not see the suspect's hands or verify that he was not armed. The named employee ordered the suspect to show his hands. As he was doing so, his police dog began to approach the suspect. The named employee gave his police dog the commands to stop and sit just as the police dog was making contact with the suspect. The police dog bit the suspect and pulled him from his concealed position. The named employee directed both the pedestrian and the suspect over to his patrol vehicle and awaited the arrival of additional patrol units. The suspect was treated at the scene for minor injuries from the police dog bite.

COMPLAINT

The complainant, the Force Review Board, alleged that the named employee may have violated SPD policy during this incident as he was conducting a general search for the suspect and his police dog should have been on a leash as the suspect did not present the level of harm necessary to require canine deployment. It is further alleged that the named employee may have violated SPD policy when he pointed his handgun at a nearby witness.

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. Interview of SPD employees

ANALYSIS AND CONCLUSION

The OPA investigation focused on the named employee's deployment of his assigned Police Canine. The named employee was directed by his Sergeant to complete a Use of Force statement. Subsequently the Force Review Board referred the allegations to OPA. The investigation by the first line supervisor identified the named employee's failure to be in possession of and deploy the In-Car Video (ICV) portable microphone as required. In his OPA statement, the named employee said that he left home without it and did not realize that he had done so, until after he made the hour drive into the city. He did not do a system check of his ICV system. He did not report not having a microphone to a supervisor until after the incident. The incident occurred near the end of his shift.

FINDINGS

Named Employee #1

Allegation #1

The evidence supports that the named employee would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Canine Deployment: Police Canines Shall Be Deployed as a Force Tactic Only When Objectively Reasonable*.

Required Training: The named employee should receive additional practical, scenario-based training regarding police canine deployment with emphasis on decision-making in rapidly evolving situations, safety of by-standers and application of SPD Use-of-Force and Canine Deployment Policies (See: 8.200-POL-2(4) and 8.200-POL-2(7)). SPD Audit, Police and Research Section should be consulted to provide guidance concerning potential or perceived confusion between these two sections covering police canine deployment.

Allegation #2

The evidence supports that the named employee would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Canine Deployment: Police Canines Shall Be Deployed as a Force Tactic Only When Objectively Reasonable*.

Required Training: The named employee should receive additional firearms training with particular emphasis on maintaining awareness of where his firearm is being pointed, field of fire and potential backdrop when removing his firearm from the holster.

Allegation #3

The weight of the evidence showed that the named employee did not wear a portable microphone to record his police activity. Therefore a **Sustained** finding was issued for *In Car Video System: All Employees Must be in Uniform and Wear a Portable Microphone*.

Discipline imposed: Written Reprimand by Supervisor

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.