



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-0588

Issued Date: 03/08/2017

| Named Employee #1 | |
|-------------------|---|
| Allegation #1 | <u>Seattle Police Department Manual</u> 8.400-POL-2 (2) Use of Force - TYPE I INVESTIGATIONS: Officers Shall Document All Uses of Reportable Force (Policy that was issued September 1, 2015) |
| OPA Finding | Not Sustained (Lawful and Proper) |
| Allegation #2 | <u>Seattle Police Department Manual</u> 8.400-POL-1 (5) Use of Force - REPORTING AND INVESTIGATION: When Multiple Officers are Involved in a Use-of-Force Incident [...] (Policy that was issued September 1, 2015) |
| OPA Finding | Not Sustained (Lawful and Proper) |
| Allegation #3 | <u>Seattle Police Department Manual</u> 8.400-POL-1 (7) Use of Force - REPORTING AND INVESTIGATION: No Supervisor Who Used, Participated in, or Ordered Reportable Force, Will Conduct the Investigation [...] (Policy that was issued September 1, 2015) |
| OPA Finding | Not Sustained (Unfounded) |
| Final Discipline | N/A |

INCIDENT SYNOPSIS

The Named Employee responded to a disturbance that resulted in an assault investigation.

COMPLAINT

The complainant, the Force Review Unit, alleged the Name Employee failed to properly report and document a use-of-force, and violated policy by conducting an investigation of a use-of-force in which he was involved.

INVESTIGATION

The OPA investigation included the following actions:

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

ANALYSIS AND CONCLUSION

There were two separate locations involved with the subject, at the scene and at the precinct. The Named Employee handcuffed the subject at the precinct and used de minimis force. The preponderance of the evidence from this investigation showed that the force used by the Named Employee was not reportable as it was de minimis.

The Named Employee was not involved in or aware of any Type II use of force at the scene of the incident. It was not until the suspect was denied booking at the jail due to an alleged injury that the Named Employee became aware of the force. Once aware of the use of force, the Named Employee screened the incident with a Lieutenant and wrote a Type II witness statement. A different supervisor was assigned to investigate the Type II use of force. The preponderance of the evidence showed the Named Employee acted reasonably in accordance with policy based on the information he had at the time.

The preponderance of the evidence showed that, once the Named Employee became aware of the possible use of Type II force during the incident, the Named Employee reported to his supervisor that he (the Named Employee) was involved in the incident. The Lieutenant assigned a different supervisor to conduct the use of force investigation. The Named Employee did not participate in the Level II use of force investigation

FINDINGS

Named Employee #1

Allegation #1

A preponderance of the evidence showed that the force used by the Named Employee was not reportable as it was de minimis. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Use of Force - TYPE I INVESTIGATIONS: Officers Shall Document All Uses of Reportable Force*.

Allegation #2

A preponderance of the evidence showed the Named Employee acted reasonably in accordance with policy based on the information he had at the time. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Use of Force - REPORTING AND INVESTIGATION: When Multiple Officers are Involved in a Use-of-Force Incident [...]*.

Allegation #3

A preponderance of the evidence showed the Named Employee did not participate in the Level II use of force investigation. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Use of Force - REPORTING AND INVESTIGATION: No Supervisor Who Used, Participated in, or Ordered Reportable Force, Will Conduct the Investigation [...]*.

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.