



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-0618

Issued Date: 04/24/2017

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 8.400 (2) Use of Force Reporting and Investigation: Officers, Including Witness Officers, Will Verbally Notify a Supervisor Immediately, Unless Not Practical, Following any Use of Reportable Force (Policy that was issued September 1, 2015)
OPA Finding	Not Sustained (Unfounded)
Allegation #2	<u>Seattle Police Department Manual</u> 8.200 (1) Using Force: Use of Force: When Authorized (Policy that was issued September 1, 2015)
OPA Finding	Not Sustained (Lawful and Proper)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 8.400 (3) Use of Force Reporting and Investigation: The Sergeant Will Review the Incident and Do One of the Following: (Policy that was issued September 1, 2015)
OPA Finding	Not Sustained (Lawful and Proper)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employees took the complainant into custody after a short foot pursuit.

COMPLAINT

The complainant alleged that Named Employee #1 kicked her. During the OPA intake, Named Employee #2 was added for not conducting a Use of Force investigation.

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. Interviews of SPD employees

ANALYSIS AND CONCLUSION

The preponderance of the evidence from the OPA investigation showed that Named Employee #1 used no reportable force against the complainant. As such, Named Employee #1 was not required to notify his supervisor.

The preponderance of the evidence from the OPA investigation showed that Named Employee #1 used only de minimis, non-reportable force against the complainant. The force that was used was reasonable, necessary and proportional given the totality of the circumstances.

The preponderance of the evidence from the OPA investigation showed that Named Employee #2 took reasonable steps to determine whether or not there was any evidence or other reason to believe that reportable force had been used on the complainant. The evidence available from this investigation supported Named Employee #2's conclusion that no reportable force had been used. For this reason, Named Employee #2 was not obligated to take any of the actions listed in SPD Policy 8.400(3). Named Employee #2 displayed sound judgment in seeking advice from her chain of command and the Force Investigation Team and for her decision to forward the complainant's allegation to OPA.

FINDINGS

Named Employee #1

Allegation #1

A preponderance of the evidence showed that Named Employee #1 used no reportable force against the complainant. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Use of Force Reporting and Investigation: Officers, Including Witness Officers, Will Verbally Notify a Supervisor Immediately, Unless Not Practical, Following any Use of Reportable Force.*

Allegation #2

A preponderance of the evidence showed that Named Employee #1 used only de minimis, non-reportable force against the complainant. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Using Force: Use of Force: When Authorized.*

Named Employee #2

Allegation #1

A preponderance of the evidence supported Named Employee #2's conclusion that no reportable force had been used. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Use of Force Reporting and Investigation: The Sergeant Will Review the Incident and Do One of the Following:.*

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.