



## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Closed Case Summary

Complaint Number 2016OPA-0935

Issued Date: 08/03/2017

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 8.500-POL-2 (8) Use of Force - Command Review of Use-of-Force: The Precinct or Section Captain Will Review the Lieutenant's Determinations on Use-of-Force (Policy that was issued September 1, 2015)
OPA Finding	<b>Not Sustained</b> (Training Referral)
Allegation #2	<u>Seattle Police Department Manual</u> 8.500-POL-2 (9) Use of Force - Command Review of Use-of-Force: For Type I and Type II Investigations, the Precinct or Section Captain Shall Forward Completed Use-of-Force [...] (Policy that was issued September 1, 2015)
OPA Finding	<b>Not Sustained</b> (Training Referral)
Allegation #3	<u>Seattle Police Department Manual</u> 8.500-POL-2 (10) Use of Force - Command Review of Use-of-Force: Precinct Captains and Watch Lieutenants Will Closely and Effectively Supervise [...] (Policy that was issued September 1, 2015)
OPA Finding	<b>Not Sustained</b> (Training Referral)
Final Discipline	N/A

<b>Named Employee #2</b>	
Allegation #1	<u>Seattle Police Department Manual</u> 8.500-POL-2 (1) Use of Force - Command Review of Use-of-Force: The Reporting Officer's Chain of Command, to the Rank of Captain, Will Review all Type I and Type II Use-of-Force Reports (Policy that was issued September 1, 2015)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Allegation #2	<u>Seattle Police Department Manual</u> 8.500-POL-2 (6) Use of Force - Command Review of Use-of-Force: For Type I and Type II Investigations, The Reviewing Lieutenant Will Make Determinations Regarding the Use-of-Force (Policy that was issued September 1, 2015)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Allegation #3	<u>Seattle Police Department Manual</u> 8.500-POL-2 (7) Use of Force - Command Review of Use-of-Force: For Type I and Type II Investigations, the Lieutenant Shall Complete Review and Forward Reports to the Precinct or Section Captain (Policy that was issued September 1, 2015)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Allegation #4	<u>Seattle Police Department Manual</u> 8.500-POL-2 (10) Use of Force - Command Review of Use-of-Force: Precinct Captains and Watch Lieutenants Will Closely and Effectively Supervise [...] (Policy that was issued September 1, 2015)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Final Discipline	N/A

<b>Named Employee #3</b>	
Allegation #1	<u>Seattle Police Department Manual</u> 8.500-POL-2 (1) Use of Force - Command Review of Use-of-Force: The Reporting Officer's Chain of Command, to the Rank of Captain, Will Review all Type I and Type II Use-of-Force Reports (Policy that was issued September 1, 2015)
OPA Finding	<b>Not Sustained</b> (Unfounded)

Allegation #2	<u>Seattle Police Department Manual</u> 8.500-POL-2 (6) Use of Force - Command Review of Use-of-Force: For Type I and Type II Investigations, The Reviewing Lieutenant Will Make Determinations Regarding the Use-of- Force (Policy that was issued September 1, 2015)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Allegation #3	<u>Seattle Police Department Manual</u> 8.500-POL-2 (7) Use of Force - Command Review of Use-of-Force: For Type I and Type II Investigations, the Lieutenant Shall Complete Review and Forward Reports to the Precinct or Section Captain (Policy that was issued September 1, 2015)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Allegation #4	<u>Seattle Police Department Manual</u> 8.500-POL-2 (10) Use of Force - Command Review of Use-of-Force: Precinct Captains and Watch Lieutenants Will Closely and Effectively Supervise [...] (Policy that was issued September 1, 2015)
OPA Finding	<b>Not Sustained</b> (Training Referral)
Final Discipline	N/A

### **INCIDENT SYNOPSIS**

The Named Employees reviewed an incident that involved Use of Force.

### **COMPLAINT**

The complainant, the Force Review Board, alleged that the Named Employees who were involved in the supervisor review of this case failed to satisfy the policy requirements written in manual section 8.500.

### **INVESTIGATION**

The OPA investigation included the following actions:

1. Review of the complaint memo
2. Review of Use of Force documents
3. Search for and review of all relevant records and other evidence
4. Interviews of SPD employees

## **ANALYSIS AND CONCLUSION**

Named Employee #1 described the movement of the three Lieutenants, which occurred while the Use of Force Review was in progress. Named Employee #1 said that he was aware of this Use of Force Review as it progressed, and that the collective efforts of the three Lieutenants satisfied the Lieutenant level of review. Named Employee #1 said that he made a request to the Assistant Chief for an extension and received approval for the extension, first verbally and later via email. Named Employee #1 indicates that he felt the case was being worked actively and that it was making progress. SPD Policy in effect at the time was that the Captain's review would include whether the investigation and documentation are thorough and complete. At the time the case was forwarded to the Force Review Board (FRB), the file did not contain a Lieutenant's Review. It is imperative for the supervisors, and specifically the Captain to ensure all documents are completed before routing them to FRB. It is not merely a matter of formatting as speculated by Named Employee #1 in his interview, but rather a necessity in order to ensure the Department properly investigates all uses of force as required by the Settlement Agreement and policy.

Named Employee #1 said that he made a request to the Assistant Chief for an extension and received the extension approval, first verbally and then via email. The request was made after the expiration of the due date. Policy requires that such extensions be made prior to the expiration of a due date.

Named Employee #1 said that he was aware that the investigation was being worked on. Policy 8.500 section 10 specifically indicates that the Precinct Captain will closely monitor and effectively supervise those under their command to ensure they identify and effectively investigate and review any uses of force. That was clearly not done in this case, or a solution to the missing Lieutenant's report would have been forthcoming without a referral to OPA.

Named Employee #2 had been working as the Acting Lieutenant/ Watch Commander at the Precinct. According to her OPA Interview, she did not receive any training prior to her assignment. Named Employee #2 told OPA it was her opinion that the Lieutenant review had already been conducted and approved by her predecessor prior to her arrival. It appeared there was miscommunication between the Lieutenant who was leaving and Lieutenant who was arriving, and no meeting between the two regarding the transfer of workload.

Named Employee #3 was the Admin Lieutenant at the Precinct and received training for this position. According to the role of this position, she is responsible for "packaging" not "reviewing" Use of Force, and would not have been the one required to review the force under the policy.

However, as the Administrative Lieutenant she is responsible for ensuring the completeness of a Use of Force investigation and ensuring it properly contains all the information required per the policy prior to being sent up the chain of command and eventually to the FRB. It appeared that she failed to take responsibility to ensure that the Lieutenant's review was completed and attached to the investigation before sending it to the FRB. While Named Employee #3 made a

reasonable effort to resolve the situation once she became aware of it, it was still not resolved prior to the FRB Review.

## **FINDINGS**

### **Named Employee #1**

#### Allegation #1

The evidence showed that the Named Employee would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Use of Force - Command Review of Use-of-Force: The Precinct or Section Captain Will Review the Lieutenant's Determinations on Use-of-Force.*

**Required Training:** Named Employee #1 should receive a refresher training on how to properly review a Use of Force investigation as a commander, along with specifics regarding process and timelines.

#### Allegation #2

The evidence showed that the Named Employee would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Use of Force - Command Review of Use-of-Force: For Type I and Type II Investigations, the Precinct or Section Captain Shall Forward Completed Use-of-Force [...]*

**Required Training:** Named Employee #1 should receive a refresher training on how to properly review a Use of Force investigation as a commander, along with specifics regarding process and timelines.

#### Allegation #3

The evidence showed that the Named Employee would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Use of Force - Command Review of Use-of-Force: Precinct Captains and Watch Lieutenants Will Closely and Effectively Supervise [...]*

**Required Training:** Named Employee #1 should receive a refresher training on how to properly review a Use of Force investigation as a commander, along with specifics regarding process and timelines.

### **Named Employee #2**

#### Allegations #1, #2, #3, and #4

A preponderance of the evidence showed that there was miscommunication between the Lieutenant who was leaving and Named Employee #2, and there was no meeting regarding the transfer of workload. Therefore findings of **Not Sustained** (Unfounded) were issued for the following allegations:

*Use of Force - Command Review of Use-of-Force: The Reporting Officer's Chain of Command, to the Rank of Captain, Will Review all Type I and Type II Use-of-Force Reports*

*Use of Force - Command Review of Use-of-Force: For Type I and Type II Investigations, The Reviewing Lieutenant Will Make Determinations Regarding the Use-of-Force*

*Use of Force - Command Review of Use-of-Force: For Type I and Type II Investigations, the Lieutenant Shall Complete Review and Forward Reports to the Precinct or Section Captain*

*Use of Force - Command Review of Use-of-Force: Precinct Captains and Watch Lieutenants Will Closely and Effectively Supervise [...]*

### **Named Employee #3**

Allegations #1, #2, and #3

A preponderance of the evidence showed that Named Employee #4 would not have been the one required to review the force under the policy. Therefore findings of **Not Sustained** (Unfounded) were issued for the following allegations:

*Use of Force - Command Review of Use-of-Force: The Reporting Officer's Chain of Command, to the Rank of Captain, Will Review all Type I and Type II Use-of-Force Reports*

*Use of Force - Command Review of Use-of-Force: For Type I and Type II Investigations, The Reviewing Lieutenant Will Make Determinations Regarding the Use-of- Force*

*Use of Force - Command Review of Use-of-Force: For Type I and Type II Investigations, the Lieutenant Shall Complete Review and Forward Reports to the Precinct or Section Captain*

Allegation #4

The evidence showed that the Named Employee would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Use of Force - Command Review of Use-of-Force: Precinct Captains and Watch Lieutenants Will Closely and Effectively Supervise [...]*

**Training Referral:** Named Employee #3 should receive a refresher training on how to properly review a Use of Force, including a reminder to ensure that all necessary documents are properly attached before routing the review to the next level of command.

*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.*