



## CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 5, 2018

CASE NUMBER: 2017OPA-0731

### Allegations of Misconduct & Director’s Findings

**Named Employee #1**

Allegation(s):		Director’s Findings
# 1	8.400 - Use of Force Reporting and Investigation 8.400-TSK-2 Use of Force -RESPONSIBILITIES OF THE SERGEANT DURING A TYPE I INVESTIGATION	Sustained

*This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.*

#### EXECUTIVE SUMMARY:

The Complainant, a Department Captain, alleged that Named Employee #1 failed to photograph alleged injuries during a use of force investigation thus acting contrary to policy.

#### ANALYSIS AND CONCLUSIONS:

Named Employee #1 (NE#1), who as working as a Sergeant on the date in question, responded to the arrest of a subject for trespassing. At that time, NE#1 learned that the subject had made an allegation of pain from handcuffing. As required under policy, NE#1 screened the incident in person, including speaking with the subject, and ordered the completion of Type I use of force reports. However, in his use of force review, completed after the screening and once he was back at the precinct, NE#1 noted that he had failed to photograph the purported injuries.

NE#1’s use of force review, along with his admission that he failed to photograph the areas of injury, was reviewed by a Lieutenant for approval. The Lieutenant counseled NE#1 concerning the importance of photographing alleged injuries and created a PAS entry for NE#1, but otherwise considered this matter closed. A Captain performed the final level of review. In that review, the Captain noted that NE#1 had previously been counseled for failing to photograph injuries on April 21, 2017, and, based on the repeated conduct, the Captain referred this second failure to OPA.

SPD Policy 8.400-TSK-2 requires that Sergeants photograph areas of alleged injuries during use of force reviews. Here, NE#1 admittedly did not do so. While I appreciate NE#1’s assertion that he simply made a mistake, this is not the first time he has failed to photograph injuries. It is important to comprehensively document every use of force by Department employees. This includes taking photographs when appropriate. The failure to do so, even if an inadvertent error, is contrary to the Department’s expectations, can serve to undermine the integrity of force investigations, and is inconsistent with the requirements placed on the Department under the Consent Decree.

For these reasons, I recommend that this allegation be Sustained.

Recommended Finding: **Sustained**