



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2015-1847

Issued Date: 06/30/2016

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 8.200 (1) Using Force: Use of Force: When Authorized (Policy that was issued 09/01/2015)
OPA Finding	Not Sustained (Lawful and Proper)
Allegation #2	<u>Seattle Police Department Manual</u> 16.090 (6) In Car Video System: Employees Will Record Police Activity (Policy that was issued 02/01/2015)
OPA Finding	Sustained
Allegation #3	<u>Seattle Police Department Manual</u> 5.001 (10) Employees Shall Be Truthful and Complete In All Communications (Policy that was issued 04/01/2015)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	Written Reprimand

INCIDENT SYNOPSIS

Officers responded to a woman in crisis call at a restaurant. Upon arrival they encountered a woman, the subject, who was clearly in crisis. The subject had been yelling, screaming and banging on the windows of the 911 caller/victim's restaurant. The subject also knocked over a motorcycle causing damage. When confronted with this the subject admitted to the behavior. The Named Employee assessed that the subject was a danger to herself and the property of others and called an ambulance to transport her to the hospital.

COMPLAINT

The complainant, a supervisor within the Department, alleged that the Named Employee used unnecessary force when he used a hair-hold on a subject in crisis. OPA added allegations that the Named Employee failed to activate In-Car Video (ICV) when dispatched and inaccurately reported in his Use of Force statement that his ICV was "activated throughout the encounter".

INVESTIGATION

The OPA investigation included the following actions:

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

ANALYSIS AND CONCLUSION

The allegation was that the Named Employee used unnecessary, unreasonable and/or not proportional force, specifically by pulling the back of the subject's hair. The preponderance of the evidence from the investigation does not support this allegation. The pull on the subject's hair, as shown on another officer's In-Car Video (ICV), was not rough, violent or extreme. The back of the subject's head was only a few feet from the partially-reclined head position of the ambulance gurney. After a short pull backwards onto the gurney, the Named Employee held onto the subject's hair to keep her from sitting up. The pull itself was relatively brief and insignificant. The Named Employee said he used the hair as a convenient and safe method for controlling the subject's upper body so she would not stand up or attempt to get off the gurney while soft restraints were applied to her wrists and ankles. He was concerned that the other options open to him put his hand or forearm into unsafe proximity of the subject's mouth and he feared being bitten. It is clear that the hair-pull caused the subject some transitory pain, yet this did not appear to be inconsistent with what was a low-level, non-violent use of force by the Named Employee. Given the potential for the subject to bite the Named Employee should he have used another method to push the subject's shoulder in order to pin her down and the immediate need to keep her from continuing in her effort to get off the gurney, the OPA Director found the Named Employee's pulling of the subject's hair to be both reasonable and necessary. As already discussed, it was a low-energy and minimal pull and, as such, the OPA Director found it to be proportional to the resistance offered by the subject.

The allegation was that the Named Employee failed to video and audio record police activity. The Named Employee was dispatched to this event, arrived there and was on scene where he acted as the primary officer. The preponderance of the evidence supports the conclusion that the Named Employee did not activate his ICV in connection with this incident. Consequently, he failed to video and audio record police activity as required by policy. The OPA investigation did not discover any technical reason or other barrier to prevent the Named Employee from recording the event as required.

The allegation was that the Named Employee was untruthful when he wrote in his use of force witness statement that his ICV was activated throughout his involvement in this incident. The preponderance of the evidence clearly shows that this was not the case and the Named Employee did not record. The Named Employee told OPA during his interview that he thought he had activated the ICV system right after he was dispatched to the call and for that reason wrote that in his force statement. The Named Employee asserted he made an honest mistake and did not intentionally include something in his force statement he knew to be false.

FINDINGS

Named Employee #1

Allegation #1

The evidence supports that the Named Employee used force that was found to be both reasonable and necessary. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Using Force: Use of Force: When Authorized*.

Allegation #2

The evidence supports that the Named Employee violated the policy. Therefore a **Sustained** was issued for *In Car Video System: Employees Will Record Police Activity*.

Allegation #3

There was no preponderance of the evidence to support that the Named Employee violated the policy. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Employees Shall Be Truthful and Complete In All Communications*.

Discipline imposed: Written Reprimand

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.