



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2015-1848

Issued Date: 06/29/2016

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 8.200 (1) Using Force: When Authorized (Policy that was issued 09/01/15)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 11.050 (1) Detainee Property: Officers Secure Detainee Property (Policy that was issued 10/01/14)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

Named Employee #3	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (9) Employees Shall Strive to be Professional at all Times (Policy that was issued 04/01/15)
OPA Finding	Not Sustained (Training Referral)
Final Discipline	N/A

INCIDENT SYNOPSIS

Officers were dispatched to a report of a DUI driver. Another caller to 911 reported that the driver had gotten out of his vehicle and took his shirt off. Officers observed the man outside of his vehicle with a crowd around him urging him not to drive. The man, the complainant, then got back into his car and began to drive away. Named Employee #2 and #3 were on foot, identified themselves as Seattle Police, flashed their flashlights at the complainant and ordered him to stop the car. Their contact with the complainant was captured on their In-Car Video (ICV) system. The car briefly continued rolling before stopping. Named Employee #3 ordered the complainant out of the car. Named Employee #1 arrived as the primary officer and told the complainant that he was under arrest. Named Employee #1 and #2 led the complainant to the front of a patrol car to collect the complainant's property. The complainant stated he had an envelope with a large amount of cash in his pocket. This envelope was placed on the hood of the patrol car and was captured on the ICV. Named Employee #1 then directed the complainant to sit down in the patrol car. The complainant was then transported to a holding cell.

COMPLAINT

The complainant alleged that Named Employee #1 wrenched his arms behind his back and pushed him into his patrol car door and door jamb, causing injury to his shoulder.

Following a review of the In-Car Video (ICV), OPA added Named Employee #2 for leaving a large sum of money recovered from the complainant unsecured on the hood of a patrol car. On ICV Named Employee #3 can be heard using inappropriate language when directing the complainant to stop his vehicle and later when directing him to secure the parking brake.

INVESTIGATION

The OPA investigation included the following actions:

1. Interview of the complainant
2. Search for and review of all relevant records and other evidence
3. Review of In-Car Videos
4. Interviews of SPD employees

ANALYSIS AND CONCLUSION

The allegation was that Named Employee #1 used excessive force while taking the complainant from the front of the police car where he had been handcuffed to the back seat of the police car. Specifically, the complainant alleged Named Employee #1 unnecessarily wrenched his arms up behind his back after he was handcuffed, thus injuring the complainant's shoulder. The complainant further alleged Named Employee #1 slammed his (the complainant's) shoulder and head into the doorway of the police car as he was being placed into the back seat. No evidence, video, audio or witness statements, support this allegation. In addition, through his defense attorney, the complainant later recanted and withdrew this allegation.

The allegation was that Named Employee #2 failed to adequately secure the complainant's property. Specifically, it was alleged that Named Employee #2, knowing an envelope removed from the complainant contained a large amount of cash, left that envelope unattended and lying on top of the hood of a patrol car while she walked away from it. The preponderance of the evidence, video and testimonial, from this investigation show that Name Employee #1 remained in close enough proximity to the envelope of cash to effectively safeguard it.

The allegation was that Named Employee #3 used profanity directed as an insult in public and in uniform while engaged in police action. The preponderance of the evidence clearly establishes that Name Employee #3 used profanity when speaking with the complainant. Further, the evidence supports the conclusion that Name Employee #3 did not direct the profanity as a personal insult at the complainant. Instead, the profanity was used to add emphasis and/or express emotion. While clearly not a violation of policy in this particular case, the use of profanity never conveys professionalism or command of one's emotions. Named Employee #3 should be encouraged to avoid its use and find an alternative means by which to get attention or provide emphasis to what she is attempting to communicate.

FINDINGS

Named Employee #1

Allegation #1

There is no evidence that Named Employee #1 used force as alleged. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Using Force: When Authorized*.

Named Employee #2

Allegation #1

There is no evidence that Named Employee #2 did not secure the property of the detainee as alleged. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Detainee Property: Officers Secure Detainee Property*.

Named Employee #3

Allegation #1

The evidence showed that Named Employee #3 would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Employees Shall Strive to be Professional at all Times*.

Required Training: Named Employee #3 should receive training that will improve her ability to effectively and professionally communicate without the need to resort to the use of profanity or other unprofessional speech.

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.