



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2015-1805

Issued Date: 06/09/2016

Named Employee #1	
Allegation #1	<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)
Allegation #2	<u>Seattle Police Department Manual</u> 5.001 (14) Employees Obey any Lawful Order Issued by a Superior Officer (Policy that was issued 04/01/2015)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employee was one of several officers on scene at a crisis call. The male subject was actively cutting his wrists with a box cutter. The Named Employee was assigned the role of Taser Officer. The Named Employee passed the role to another officer when she arrived on scene. Subsequently the other officer deployed her Taser against the subject.

COMPLAINT

The complainant, the Firearms Review Board, alleged that the Named Employee failed to follow a lawful order by passing an assignment to another officer without notifying a supervisor or asking permission. Complainant further alleged the Named Employee was not truthful in a department report.

INVESTIGATION

The OPA investigation included the following actions:

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

ANALYSIS AND CONCLUSION

The allegation was that the Named Employee was untruthful when he wrote in his use of force witness statement that the second Taser Officer had a “better [than the Named Employee] and unobstructed view” of the subject. This appears to be based on the complainant’s observation that an In-Car Video (ICV) showed the second Taser Officer right next to the Named Employee. However, the OPA investigation reviewed all the video which showed the second Taser Officer in a different location when she assumed the Taser Officer role. OPA’s interviews with both the Named Employee and the second Taser Officer supported the Named Employee’s written statement that the second Taser Officer was likely in a better tactical position than he when she assumed that role from him. The OPA investigation showed that the Named Employee initially assumed the role of Taser Officer at this incident. It is in dispute as to whether this was a result of being assigned this role by a supervisor or self-initiation by the Named Employee. Regardless of the reason, it cannot be considered an act of insubordination for the Named Employee to later transfer that role to another officer, assuming the reason for the role transfer is for a tactically sound reason (e.g., the first officer’s Taser malfunctioned or the second Taser officer had a better view of the subject). In fact, the supervisor himself told OPA he did not consider the decision by the Named Employee to transfer the Taser role an act of insubordination.

FINDINGS

Named Employee #1

Allegation #1

The evidence supports that the Named Employee was truthful in his written statement. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Employees Shall Be Truthful and Complete In All Communications*.

Allegation #2

The evidence supports that the Named Employee was not insubordinate. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Employees Obey any Lawful Order Issued by a Superior Officer*.

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.