



## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Closed Case Summary

Complaint Number OPA#2015-1860

Issued Date: 07/01/2016

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 8.100 (1) De-Escalation: When Safe Under the Totality of the Circumstances and Time and Circumstances Permit, Officers Shall Use De-Escalation Tactics in Order to Reduce the Need for Force (Policy that was issued 09/01/2015)
OPA Finding	<b>Not Sustained</b> (Training Referral)
Final Discipline	N/A

#### **INCIDENT SYNOPSIS**

The Named Employee contacted a subject inside a grocery store after receiving reports that he may have shoplifted items and was a potential threat to employees and bystanders in the store. The subject was in possession of a baseball bat that could have been used as a weapon.

#### **COMPLAINT**

The complainant, the Force Review Board, alleged that the Named Employee violated the de-escalation policy by not waiting for back-up prior to contacting a subject armed with a bat.

## **INVESTIGATION**

The OPA investigation included the following actions:

1. Review of the complaint memo
2. Search for and review of all relevant records and other evidence
3. Review of 911 call
4. Review of other video
5. Interview of SPD employee

## **ANALYSIS AND CONCLUSION**

The Named Employee chose to initiate contact with a shoplifting suspect (the subject) before a second, cover, officer arrived. At the time the Named Employee initiated contact, the subject was seated and had a baseball bat protruding from the backpack he was wearing. The Named Employee noted that the grocery store employees, who he knew from previous such calls, appeared to be concerned and nervous about the subject. The Named Employee had requested a cover officer before and after arriving. No officer was available. After waiting ten minutes at the scene with the employees and still with no cover officer available, the Named Employee walked into the café located near the grocery store entrance and initiated contact with the subject. The subject resisted and then assaulted the Named Employee, but was eventually taken into custody. The Named Employee was required to use force in order to control and arrest the subject. It is clear from the OPA investigation that the Named Employee waited about 10 minutes after he arrived at the store in hopes a cover officer would be able to respond and assist. During his OPA interview, the Named Employee articulated his concern the subject might eventually go back inside the main part of the grocery store and put patrons and employees at risk. It was with this concern in mind, according to the Named Employee, that he decided to initiate contact with the subject without a cover officer. The Named Employee told OPA during his interview that his plan was to attempt de-escalation of the situation by trying to convince the subject to return the merchandise to the store and leave voluntarily. Finally, the Named Employee acknowledged during his OPA interview that he did not use the trained tactics of “contact and cover” in his decision to make contact with the subject without a cover officer. However, the Named Employee believed he had a “moral obligation” to take action so as to lessen the danger the subject would go deeper into the store and harm someone. Based on the preponderance of the evidence, the Named Employee’s decision was a deviation from trained tactics, not a failure to attempt de-escalation that amounted to a violation of SPD Policy. The Named Employee had already waited ten minutes in hopes the subject would leave the store without the merchandise after seeing a uniformed officer waiting outside or that a cover officer would become available. Even the Named Employee’s initial approach to the subject was calm and attempted to engage him in dialogue. The record shows that the Named Employee’s supervisor and chain of command appropriately noted this deviation from trained tactics and provided him with documented feedback.

## **FINDINGS**

### **Named Employee #1**

#### Allegation #1

The evidence supports that the Named Employee would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *De-Escalation: When Safe Under the Totality of the Circumstances and Time and Circumstances Permit, Officers Shall Use De-Escalation Tactics in Order to Reduce the Need for Force.*

**Required Training:** The Named Employee should receive a specific reminder from his supervisor regarding the importance of using sound tactics and appropriate de-escalation techniques when safe and feasible to do so.

*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.*