



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2015-1830

Issued Date: 06/28/16

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 8.400-POL-2 (2) Use of Force – Type I Investigations: Officers Shall Document All Uses of Reportable Force (Policy that was issued 09/01/2015)
OPA Finding	Not Sustained (Training Referral)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employee was monitoring a holding cell in a precinct when the complainant requested to use the restroom. The complainant had repositioned his handcuffs while in the holding cell so that his hands and arms were positioned to the front side of his body. The Named Employee told the complainant that he needed to put the handcuffs behind his back before he would assist him. The complainant started to put the handcuffs back, but got stuck in a squatted position with his handcuffed hands under the backside of his thighs and buttocks. The Named Employee entered the holding cell to assist the complainant in moving his hands and arms into the correct position.

COMPLAINT

The complainant alleged that the Named Employee used excessive force, slamming him on his head, and causing a concussion.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint statement
2. Review of In-Car Video (ICV)
3. Review of holding cell 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, in a SPD holding cell, the Named Employee intentionally pushed the complainant forward as he was crouched and off-balance attempting to get his handcuffed hands from the back of his (the complainant's) thighs to the small of his back. There were no other known witnesses that claim to have seen exactly what happened in the holding cell. While the holding cell video shows the complainant struggling to get his handcuffed hands over his butt and the Named Employee entering the cell, reaching down and doing something with his hands in the area where the complainant's hands are located, the video is not helpful in determining whether or not the Named Employee did something that caused the complainant to lose his balance, pitch forward and strike his head on the floor. Finally, the Named Employee told OPA he did not knowingly or intentionally do anything to cause the complainant to fall, although, in hindsight, the Named Employee now realizes there are safer ways to accomplish the goal. In summary, there is no preponderance of evidence to either prove or disprove that the Named Employee took action he knew or should have known would cause the complainant to lose his balance and fall, or that the Named Employee intended for the complainant to fall.

FINDINGS

Named Employee #1

Allegation #1

The evidence showed that the Named Employee would benefit from additional training. Therefore a **Not Sustained** (Training Referral) finding was issued for *Use of Force – Type I Investigations: Officers Shall Document All Uses of Reportable Force*.

Required Training: The Named Employee should be reminded of the importance of having at least one other officer in a holding cell when dealing with a prisoner who has already demonstrated resistance, aggression or hostility.

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.