



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-0058

Issued Date: 07/21/2017

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (9) Standards and Duties: Employees Shall Strive to be Professional at all Times (Policy that was issued April 1, 2015)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 5.002 (6) Responsibilities of Employees Concerning Complaints of Possible Misconduct: Employees Must Otherwise Report Misconduct (Policy that was issued January 1, 2015)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

Named Employee #3	
Allegation #1	<u>Seattle Police Department Manual 5.002 (6) Responsibilities of Employees Concerning Complaints of Possible Misconduct: Employees Must Otherwise Report Misconduct (Policy that was issued January 1, 2015)</u>
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

Named Employee #4	
Allegation #1	<u>Seattle Police Department Manual 5.002 (6) Responsibilities of Employees Concerning Complaints of Possible Misconduct: Employees Must Otherwise Report Misconduct (Policy that was issued January 1, 2015)</u>
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

INCIDENT SYNOPSIS

OPA investigated a complaint alleging a use of force during an arrest.

COMPLAINT

While reviewing In-Car Video (ICV) for an investigation, OPA heard the arrestee report to Named Employee #2 that when he ran off, Named Employee #1 said, "I'm going to shoot you, asshole." Named Employee #2 did not report arrestee's comment or what was said on the recording to OPA.

It was also alleged that that the Named Employees reviewing the incident and members of the Force Review Unit may have failed to report the comment to OPA.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the original OPA complaint
2. Search for and review of all relevant records and other evidence
3. Review of In-Car Videos (ICV)
4. Interviews of SPD employees

ANALYSIS AND CONCLUSION

The use of a single word of profanity during the foot chase of a subject who had just assaulted a police officer did not rise to the level of “profanity directed as an insult” (SPD Policy 5.001(9)). Of course, it would have been better had Named Employee #1 not used this particular word, but the OPA Director did not consider it an act of misconduct.

Given the OPA Director’s opinion that the single use of the term by Named Employee #1 during a foot chase did not constitute misconduct (see above), the OPA Director did not conclude that Named Employees #2, #3, or #4 had an obligation to report this to OPA.

FINDINGS

Named Employee #1

Allegation #1

A preponderance of the evidence showed that the use of a single word of profanity by Named Employee #1 was not an act of misconduct. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Standards and Duties: Employees Shall Strive to be Professional at all Times*.

Named Employees #2, #3, and #4

Allegation #1

A preponderance of the evidence showed that the Named Employees did not have an obligation to report this incident to OPA. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Responsibilities of Employees Concerning Complaints of Possible Misconduct: Employees Must Otherwise Report Misconduct*.

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.