



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-0580

Issued Date: 03/08/2017

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 8.200 (1) Using Force: Use of Force: When Authorized (Policy that was issued September 1, 2015)
OPA Finding	Not Sustained (Lawful and Proper)
Allegation #2	<u>Seattle Police Department Manual</u> 8.200 (2) Using Force: Use of Force: When Prohibited (Policy that was issued September 1, 2015)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 8.200 (1) Using Force: Use of Force: When Authorized (Policy that was issued September 1, 2015)
OPA Finding	Not Sustained (Lawful and Proper)
Allegation #2	<u>Seattle Police Department Manual</u> 8.200 (2) Using Force: Use of Force: When Prohibited (Policy that was issued September 1, 2015)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

Named Employee #3	
Allegation #1	<u>Seattle Police Department Manual</u> 8.200 (1) Using Force: Use of Force: When Authorized (Policy that was issued September 1, 2015)
OPA Finding	Not Sustained (Lawful and Proper)
Allegation #2	<u>Seattle Police Department Manual</u> 8.200 (2) Using Force: Use of Force: When Prohibited (Policy that was issued September 1, 2015)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

Named Employee #4	
Allegation #1	<u>Seattle Police Department Manual</u> 8.200 (1) Using Force: Use of Force: When Authorized (Policy that was issued September 1, 2015)
OPA Finding	Not Sustained (Lawful and Proper)
Allegation #2	<u>Seattle Police Department Manual</u> 8.200 (2) Using Force: Use of Force: When Prohibited (Policy that was issued September 1, 2015)
OPA Finding	Not Sustained (Unfounded)
Allegation #3	<u>Seattle Police Department Manual</u> 16.090 (5) In-Car Video System: Employees Will Log in and Perform a System Check (Policy that was issued March 1, 2016)
OPA Finding	Not Sustained (Unfounded)
Allegation #4	<u>Seattle Police Department Manual</u> 16.090 (6) In-Car Video System: Employees Will Record Police Activity (Policy that was issued March 1, 2016)
OPA Finding	Not Sustained (Training Referral)
Final Discipline	N/A

Named Employee #5	
Allegation #1	<u>Seattle Police Department Manual</u> 8.200 (1) Using Force: Use of Force: When Authorized (Policy that was issued September 1, 2015)
OPA Finding	Not Sustained (Lawful and Proper)
Allegation #2	<u>Seattle Police Department Manual</u> 8.200 (2) Using Force: Use of Force: When Prohibited (Policy that was issued September 1, 2015)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

Named Employee #6	
Allegation #1	<u>Seattle Police Department Manual</u> 8.200 (1) Using Force: Use of Force: When Authorized (Policy that was issued September 1, 2015)
OPA Finding	Not Sustained (Lawful and Proper)
Allegation #2	<u>Seattle Police Department Manual</u> 8.200 (2) Using Force: Use of Force: When Prohibited (Policy that was issued September 1, 2015)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

Named Employee #7	
Allegation #1	<u>Seattle Police Department Manual</u> 8.200 (1) Using Force: Use of Force: When Authorized (Policy that was issued September 1, 2015)
OPA Finding	Not Sustained (Lawful and Proper)
Allegation #2	<u>Seattle Police Department Manual</u> 8.200 (2) Using Force: Use of Force: When Prohibited (Policy that was issued September 1, 2015)
OPA Finding	Not Sustained (Unfounded)

Allegation #3	<u>Seattle Police Department Manual</u> 16.090 (5) In-Car Video System: Employees Will Log in and Perform a System Check (Policy that was issued March 1, 2016)
OPA Finding	Not Sustained (Unfounded)
Allegation #4	<u>Seattle Police Department Manual</u> 16.090 (6) In-Car Video System: Employees Will Record Police Activity (Policy that was issued March 1, 2016)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employees responded to a call of a subject walking away from an involuntary commitment.

COMPLAINT

The complainant, a supervisor within the Department, reported that a subject taken into custody alleged the Named Employees were smashing him down after he was handcuffed, and deliberately agitated and pushed him so that they could beat him. The subject also reported previous incidents of alleged abuse by stating that his face was full of scars from being beat up by SPD officers on 20 prior occasions and that officers kicked him in a park resulting in a broken foot.

INVESTIGATION

The OPA investigation included the following actions:

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

ANALYSIS AND CONCLUSION

Officers were concerned about the danger the subject posed to himself and others when they decided to take him into custody. The subject was walking in traffic and appeared to be in crisis. Initially contacted by Named Employee #1 and Named Employee #2, who took a hold of an arm of the subject, Named Employee #3 then assisted by performing a soft take-down of the subject to the ground. Once on the ground, Named Employee #4 used his body weight to restrain the subject's waist to prevent him from getting up; Named Employee #5 assisted

Named Employee #7 in placing the subject into handcuffs while Named Employee #6 kneeled down with her shins across the subject's calves to keep him from kicking officers while he was being put into handcuffs. Given the totality of the circumstances the use of force by all the Named Employees was reasonable, necessary and proportionate to effectively bring the subject into control and under arrest.

The preponderance of the evidence did not indicate any force used by Named Employees #1, #2, #3, #4, #5, #6, or #7 while the subject was handcuffed and therefore no policy violation occurred.

Named Employees #4 and #7 were working a two-person vehicle. Named Employee #7 was a probationary officer and Named Employee #4 was acting as the Field Training Officer (FTO). The preponderance of the evidence showed that Named Employee #4 and Named Employee #7 did perform a systems check at the beginning of their shift.

Named Employees #4 and #7 were working a two-person vehicle and were on an extended investigation. They failed to activate their idle right system which caused the vehicle battery to become depleted to the point the computer system shut down. Named Employee #4 was in the process of restarting the computer when the emergency call was broadcast. Given the emergency, Named Employee #4 and Named Employee #7 chose to respond before their ICV could restart.

FINDINGS

Named Employees #1, #2, #3, #4, #5, #6, and #7

Allegation #1

A preponderance of the evidence showed that given the totality of the circumstances, the use of force by all the Named Employees was reasonable, necessary and proportionate to effectively bring the subject into control and under arrest. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Using Force: Use of Force: When Authorized*.

Allegation #2

A preponderance of the evidence did not indicate any force used by the Named while the subject was handcuffed and therefore no policy violation occurred. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Using Force: Use of Force: When Prohibited*.

Named Employee #4

Allegation #3

A preponderance of the evidence showed that Named Employee #4 did perform a systems check at the beginning of his shift. Therefore a finding of **Not Sustained** (Unfounded) was issued for *In-Car Video System: Employees Will Log in and Perform a System Check*.

Allegation #4

The evidence showed that the Named Employee would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *In-Car Video System: Employees Will Record Police Activity*.

Required Training: Named Employee #4 should be reminded of his obligation to record all law enforcement activity and to be certain the idle right system is activated.

Named Employee #7

Allegation #3

A preponderance of the evidence showed that Named Employee #7 did perform a systems check at the beginning of her shift. Therefore a finding of **Not Sustained** (Unfounded) was issued for *In-Car Video System: Employees Will Log in and Perform a System Check*.

Allegation #4

A preponderance of the evidence showed that Named Employee #7 was a probationary officer under the supervision of the Named Employee #4 who was an FTO. Therefore a finding of **Not Sustained** (Unfounded) was issued for *In-Car Video System: Employees Will Record Police Activity*.

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.