



## CLOSED CASE SUMMARY

ISSUED DATE: SEPTEMBER 24, 2019

CASE NUMBER: 2019OPA-0451

### Allegations of Misconduct & Director’s Findings

**Named Employee #1**

Allegation(s):		Director’s Findings
# 1	8.200 - Using Force 2. Use of Force: When Prohibited	Sustained Rapid Adjudication

**Imposed Discipline**

<b>Written Reprimand</b>
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*This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.*

### EXECUTIVE SUMMARY:

It was alleged that the Named Employee used force deemed prohibited under SPD policy.

### ADMINISTRATIVE NOTE:

On June 29, 2019, OPA responded to a callout of the Force Investigation Team (FIT). The callout surrounded the application of force by Named Employee #1 (NE#1) to a subject’s neck to prevent that individuals from swallowing narcotics. NE#1 reported his actions to his supervisor. He acknowledged that he has never been formally trained in that technique (noxious stimuli) but stated that he was informally trained to use it at his previous law enforcement agency. NE#1 stated that he used noxious stimuli in this instance to prevent the suspect from overdosing or choking on the narcotics. NE#1 recognized that he was causing the suspect pain, but that pain was minimal compared to dying of overdose or choking. NE#1 acknowledged that the force was technically in violation of SPD policy and, specifically, SPD Policy 8.200-POL-2.

After completing its intake investigation and given its observations at the FIT callout, OPA determined that this case could be appropriate for resolution by means of Rapid Adjudication (RA). RA is provided for in the Seattle Police Officers’ Guild’s collective bargaining agreement (CBA) with the City. It allows, among other things, for employees to recognize that their conduct was inconsistent with Department policies and standards, and to accept discipline for the policy violation rather than undergoing a full OPA investigation.

OPA sent a correspondence to NE#1 informing him that his case was a potential candidate for resolution through RA. In addition, and consistent with the procedure set forth in the CBA, OPA forwarded to the Chief of Police its recommended disposition as well as proposed discipline in the form of a written reprimand and retraining on SPD Policy 8.200-POL-2. The Chief of Police concurred with OPA’s recommended findings and proposed discipline. NE#1 also agreed to the discipline and, in doing so, stipulated that the finding and discipline were final and could not be appealed or otherwise later disputed.



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**Named Employee #1 - Allegations #1**

***8.200 - Using Force 2. Use of Force: When Prohibited***

SPD Policy 8.200-POL-2 states that: “An officer may not use force to stop a subject from swallowing a substance that is already in their mouth.” This force is deemed prohibited under this policy.

As noted above, NE#1 acknowledged that he used force to prevent the subject from swallowing narcotics and that this force was prohibited under Department policy. He agreed to proceed with RA and, in doing so, accepted the discipline recommended by OPA and issued by the Chief of Police. As such, OPA recommends that this allegation be Sustained – Rapid Adjudication. This finding is both final and binding.

Recommended Finding: **Rapid Adjudication - Sustained**