

OFFICE OF PROFESSIONAL ACCOUNTABILITY (OPA)
Closed Case Report
January-February-March 2013
OPA Director's Message

The Office of Professional Accountability's (OPA) closed case report provides information about Seattle Police Department (SPD) misconduct complaints that are investigated by OPA. This report includes summaries as to cases closed during the months of January, February and March 2013, along with data on the number and classification of complaints filed, with a comparison to 2012. The report include charts showing the percentage of cases closed with different types of findings, information about the OPA mediation program, and policy review and training recommendations when made.

- In the first quarter of 2013, there were 43 complaints filed against 66 employees, representing 3.7% of 1,803 employees (1,292 sworn and 511 civilian).
- 14% of allegations closed January through March 2013 were Sustained, resulting in discipline (as compared to a total of 13% Sustained complaints in 2012).
- 9% of allegations closed to date in 2013 resulted in a Training Referral, meaning that the named employee received training or counseling as a result of the complaint (as compared to a total of 18% of allegations closed with a similar finding in 2012).
- The remaining cases were closed as Unfounded, Lawful and Proper, or Inconclusive.

The OPA Director is finalizing the 2011 and 2012 Statistics Report and will comment on early 2013 case trends at that time.



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Cases involving alleged misconduct of SPD employees in the course of their official public duties are summarized below. Identifying information has been removed.

January-February-March Closed Cases

Case Summary	Case Finding
<p>The complainant, a law enforcement commander in a neighboring jurisdiction, alleges that the named employee was involved in a hit and run incident and showed signs of intoxication when contact was made.</p>	<p>Allegation and Finding 1. Violation of Law (Hit & Run)—Sustained</p> <p>The evidence showed that the named employee was driving the vehicle that was involved in the hit & run (property damage) incident.</p> <p>Corrective action: Termination (Discipline was not imposed due to the resignation of named employee prior to the conclusion of this investigation)</p>
<p>The complainant, a supervisor within the Department, reported that named employee was arrested for DV Assault.</p>	<p>Allegation and Finding 1. Violation of Law (DV Assault)—Unfounded</p> <p>The evidence, including a criminal investigation by a neighboring law enforcement agency and review and decline by the prosecuting attorney's office to file charges, demonstrated that the allegation of DV Assault did not occur as reported.</p>
<p>The complainant, while being taken into custody for false reporting, alleges that an unknown officer sexually assaulted her.</p>	<p>Allegation and Finding 1. Violation of Law (Sexual Assault)—Unfounded</p> <p>The evidence, including a criminal investigation by the Department's Sexual Assault Unit and review and decline by the King County Prosecuting Attorney's Office, demonstrated that the allegation of Sexual Assault did not occur as reported.</p>
<p>While officers responded to a disturbance call, the complainant, who is a roommate of the named employee, alleged that the named employee is working an excessive amount of off duty work.</p>	<p>Allegation and Finding 1. Secondary Employment-Permits—Sustained 2. Secondary Employment-Radio Responsibilities—Sustained</p> <p>The evidence showed that the named officer did not have current Secondary Employment Permits for off duty work that he performed. The evidence also showed that the named employee did not log in with radio at the beginning of his off-duty shifts per Department Policy.</p> <p>Corrective action: Written reprimand</p>



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Case Summary	Case Finding
<p>The complainant, a third party, observed named employee use excessive force while making contact with a possibly intoxicated male lying on the sidewalk. Complainant felt named employee could have waited for back up after determining the intoxicated male was hostile. OPA added the allegation of Failure to Report the Use of Force and also added named employee #2, the supervisor of named employee #1, and alleged that named employee number #2 failed to investigate and document a subordinate’s use of force.</p>	<p>Allegation and Finding Named employee #1</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force—Lawful & Proper 2. Professionalism-Courtesy—Unfounded 3. Professionalism-Exercise of Discretion—Training Referral 4. Failure to Report the Use of Force—Lawful & Proper <p>Named employee #2</p> <ol style="list-style-type: none"> 1. Use of Force Responsibilities—Lawful & Proper <p>The evidence demonstrated that the named officer used an approved technique to rouse subject. When subject became combative the named employee used reasonable, un-reportable force to gain control. The evidence also showed that this incident was not an emergency and a reasonable option would have been for the named employee to wait for back-up before approaching the subject. A Training Referral on exercise of discretion will benefit the employee by review of this incident with his supervisor and allow the supervisor to counsel him on SPD Tactics & Procedures 022, which recommends requesting back-up before a lone officer involves him/herself in a potentially hazardous situation.</p>
<p>The complainant, who was contacted by named employee for jaywalking, alleges that named employee only stopped him for a minor violation and not any of the “white people” with him. OPA added an allegation for Failure to Use In-Car Video during this contact.</p>	<p>Allegation and Finding</p> <ol style="list-style-type: none"> 1. Professionalism-Exercise of Discretion—Training Referral 2. Unbiased Policing/Policy—Unfounded 3. In-Car Video/Policy—Training Referral <p>The evidence demonstrated that the named officer had justification in making contact with complainant; however, the named employee should have provided written documentation regarding the contact. A Training Referral finding will benefit the named employee by review of this incident with his supervisor and allow the supervisor to counsel him on the importance of documentation of citizen contacts. and explain how this information would provide useful information for other patrol officers. The evidence also demonstrated that unbiased policing did not occur as reported. The evidence showed that the named employee did not utilize his In-Car Video System when he made contact with the complainant. A Training Referral will benefit the employee by having his supervisor discuss with him the importance on using In-Car Video on each citizen contact per Department Policy.</p>



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<p>The complainant, a supervisor within the Department, alleged that named employee, while responding to a call, was in a preventative collision with a pedestrian and that there was extensive damage to his patrol vehicle.</p>	<p>Allegation and Finding</p> <ol style="list-style-type: none"> 1. Emergency Vehicle Operations/Philosophy—Sustained 2. Emergency Vehicle Operations/Policy—Sustained 3. Violation of Law (Reckless Driving)—Unfounded <p>The evidence, including a criminal investigation by the Department’s Traffic Collision Investigation Section and declines from both the King County Prosecutor’s Office and City of Seattle’s Law Department Criminal Division, did not establish a basis for criminal charges of reckless driving. However, the evidence did show that the named employee was operating his patrol car at a speed too fast for conditions.</p> <p>Corrective action: 1-day suspension without pay</p>
<p>The complainant alleges he observed two named employees berate a homeless man and then turned and yelled at complainant for watching them.</p>	<p>Allegation and finding</p> <p>Named employee #1</p> <ol style="list-style-type: none"> 1. Professionalism-Profanity—Inconclusive 2. Professionalism-Courtesy—Inconclusive 3. In-Car Video/Policy—Lawful & Proper <p>Named employee #2</p> <ol style="list-style-type: none"> 1. Professionalism-Courtesy—Training Referral 2. In-Car Video/Policy—Lawful & Proper <p>The evidence neither proved nor disproved by a preponderance of the evidence whether named employee #1 was discourteous or used profanity during his interaction with a citizen. The evidence showed that both named officers were walking a foot beat, so In-Car Video was not available. The evidence, including admission by named employee #2, showed that he did make a disparaging remark to a citizen. A Training Referral will provide an opportunity for the supervisor of named employee #2 to review this incident with the named employee and provide him with more effective ways to communicate with the public.</p>



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<p>The complainant, when being taken into custody by the named officer, alleged he was injured while being handcuffed.</p>	<p>Allegation and Finding</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force—Lawful & Proper <p>The evidence, including surveillance video from a nearby business, showed that the contact made by the named officer was minimal when he handcuffed complainant.</p>
<p>A third party complainant alleges that named employees were unprofessional by using profanity and unnecessary force when taking suspect into custody. OPA added an allegation that named employee #1 failed to activate In-Car Video when making this citizen contact.</p>	<p>Allegation and Finding</p> <p>Named employee #1</p> <ol style="list-style-type: none"> 1. Failure to Use In-Car Video—Sustained 2. Professionalism-Profanity—Inconclusive 3. Professionalism-Courtesy—Inconclusive 4. Unnecessary Use of Force—Unfounded <p>Named employee #2</p> <ol style="list-style-type: none"> 1. Professionalism-Profanity—Inconclusive 2. Professionalism-Courtesy—Inconclusive 3. Unnecessary Use of Force—Unfounded <p>The evidence neither proved nor disproved by preponderance of the evidence whether the named officers were discourteous or used profanity while making contact with the suspect. The evidence, including an eyewitness to the event, showed that the suspect was compliant and no force was used. The evidence also showed that named employee #1 did not activate the In-Car Video when making contact with the suspect, which violated SPD policy.</p> <p>Corrective action: Written reprimand</p>
<p>The complainant, who fled the scene of a DUI stop, alleged that the officer used unnecessary force, was discourteous, and misplaced \$26 and a phone card from his wallet while taking him into custody. Complainant also alleged that an unknown officer used unnecessary force while he was in the precinct holding cell.</p>	<p>Allegation and Finding</p> <p>Named employee #1</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force—Unfounded 2. Evidence & Property/Policy—Inconclusive 3. Professionalism-Courtesy—Unfounded <p>Unknown employee #2</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force—Unfounded 2. Evidence & Property/Policy—Inconclusive 3. Professionalism-Courtesy—Unfounded <p>The evidence, including In-Car and holding cell video, showed that no force was used and the officers were professional during the contact with complainant. The evidence neither proved nor disproved whether complainant's money and phone card was in his wallet or misplaced in his vehicle.</p>



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<p>The complainant alleges that named employee used unnecessary force, when he was choked and lost consciousness while he was being detained in a precinct holding cell.</p>	<p>Allegation and Finding</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force—Lawful & Proper 2. Reporting the Use of Force—Unfounded <p>The evidence, including holding cell video, showed that minimal, un-reportable force was used when the named employee placed complainant into a seated position in the holding cell.</p>
<p>The complainant, who was parked illegally in a bus zone, alleged named Parking Enforcement Officer (PEO) took more than three minutes to issue her a citation and was unprofessional in his tone and words when making contact with her.</p>	<p>Allegation and Finding</p> <ol style="list-style-type: none"> 1. Professionalism-Exercise of Discretion—Lawful & Proper 2. Professionalism-Courtesy—Sustained <p>The evidence showed that the named PEO was justified in issuing the complainant a citation for illegally parking in a bus zone. The evidence, including an eyewitness to the event, showed that the named employee was less than courteous when making contact with the complainant.</p> <p>Corrective action: Written reprimand</p>
<p>The complainant, while being detained for a disturbance, alleges that named employee used unnecessary force, used profanity, and refused to identify himself after being asked. The complainant also alleges that named employee #1 refused to assist him in making a formal complaint.</p>	<p>Allegation and Finding</p> <p>Named employee #1</p> <ol style="list-style-type: none"> 1. Complaint Process/Reporting Complaints—Unfounded <p>Named employee #2</p> <ol style="list-style-type: none"> 1. Professionalism-Duty to Identify—Unfounded 2. Professionalism-Profanity—Unfounded 3. Unnecessary Use of Force—Unfounded <p>The evidence, including eyewitnesses, showed that the alleged misconduct did not occur as reported.</p>
<p>The complainant alleges that named Parking Enforcement Officer (PEO) removed a paid parking pass from his Vespa on two separate occasions so the vehicle could be cited.</p>	<p>Allegation and Finding</p> <ol style="list-style-type: none"> 1. Professionalism-Honesty—Unfounded 2. Professionalism-Exercise of Discretion—Lawful & Proper <p>The evidence showed that the PEO was justified in citing the complainant's vehicle for non-payment of parking. The evidence also showed that the named employee did not remove parking receipts from the vehicle.</p>



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<p>The complainant alleged that named Parking Enforcement Officer (PEO) attempted to extort him by asking for money to get out of his parking citation.</p>	<p>Allegation and Finding</p> <ol style="list-style-type: none"> 1. Violation of Law (Extortion)—Unfounded 2. Professionalism-Integrity—Unfounded <p>The evidence, including an investigation by the Department's Robbery Unit and a decline notice from the King County Prosecutor's Office to file charges, showed that the alleged allegations against named PEO did not occur as reported.</p>
<p>The complainant, after being arrested on a warrant, alleged that named employees impounded his motor home illegally and did not secure his cat that was inside the motor home before having it towed after he informed them the cat was inside.</p>	<p>Allegation and Finding</p> <p>Two named employee, same allegations, same findings</p> <ol style="list-style-type: none"> 1. Improper Vehicle Impound—Training Referral 2. Professionalism-Exercise of Discretion—Lawful & Proper <p>There was no clear evidence to show the complainant's motor home was in violation of a parking infraction. A Training Referral finding will give the supervisor for both named employees the opportunity to review procedures that need to take place prior to impounding vehicles. The evidence, including In-Car Video, showed the named officers making arrangements for the care of complainant's cat. The named employees also followed up with the tow company to make sure the cat was being taken care of and the tow company circled back to the named employees when complainant returned and took custody of his cat.</p>
<p>The complainant, a neighborhood news reporter, alleged that the named employee used unnecessary force and was discourteous to him when named employee made contact with him during a rescue effort by the Seattle Fire Department.</p>	<p>Allegation and Finding</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force—Lawful & Proper 2. Professionalism-Courtesy—Inconclusive <p>The evidence showed that the named employee was justified in using minimal, non-reportable force in directing complainant away from emergency vehicles and personnel attempting to rescue a victim from a hillside. The evidence could neither be proved nor disproved by a preponderance of the evidence as to whether named employee was discourteous in his interaction with the complainant.</p>



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<p>The complainant, a supervisor within the Department, alleges that named civilian employee is creating a hostile work environment by challenging his supervisory decisions.</p>	<p>Allegation and Finding</p> <ol style="list-style-type: none"> 1. Professionalism/Policy—Inconclusive <p>The evidence could neither be proved nor disproved by a preponderance of the evidence.</p> <p>Note from OPA Director: The OPA Director recommended that the complainant be provided training and coaching on supervisory skills.</p>
<p>The complainant, owner of a nightclub, alleges that named employee used her position in the Department to challenge a business policy.</p>	<p>Allegation and Finding</p> <ol style="list-style-type: none"> 1. Professionalism-Exercise of Discretion—Unfounded 2. Professionalism-Courtesy—Unfounded 3. Professionalism/Policy—Unfounded 4. Professionalism-Integrity/Misuse of Authority—Unfounded <p>The evidence showed that the alleged misconduct did not occur as reported.</p>
<p>The complainant, a supervisor within the Department, received information that the named employee “is never around,” marks herself working when not present, and is not performing the duties of her assignment.</p>	<p>Allegation and Finding</p> <ol style="list-style-type: none"> 1. Honesty—Inconclusive 2. Absence from Duty/Unauthorized Absence—Inclusive 3. Violation of Law (Theft)—Inconclusive <p>The evidence could neither be proved nor disproved by a preponderance of the evidence as to whether the named employee was in violation of the allegations alleged.</p>
<p>The complainant, a relative of the named employee, alleged that the named employee committed acts of violence against her and other family members and took monetary advantage of a vulnerable adult family member. The complainant also alleged that named employee misappropriated funds from his Unit to help purchase a vehicle.</p>	<p>Allegation and Finding</p> <ol style="list-style-type: none"> 1. Violation of Law (DV Assault/Theft)—Unfounded <p>The evidence, including a criminal investigation by the Department’s DV Assault Unit, showed that the alleged allegation against named employee did not occur as reported. The evidence, including a 3 year audit of named employee’s expenditures showed nothing improper.</p> <p>Note: The OPA Director and Lieutenant recommend that a review be conducted of the policies and methods in place to document the justification for the expenditure of Department funds to ensure they are adequate to satisfy public scrutiny.</p>



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Case Summary	Case Finding
<p>The complainant, while stopped for a pedestrian violation, alleges named employee was rude and arrogant toward her. The complainant also alleged that a citizen approached the named employee and the named employee called this citizen a disparaging name. OPA added an allegation of failure to obtain a Secondary Work Permit.</p>	<p>Allegation and Finding</p> <ol style="list-style-type: none"> 1. Professionalism-Courtesy—Sustained 2. Secondary Employment Permits—Sustained <p>The evidence, including admission by named employee, showed that he did use disparaging language when addressing a citizen. The evidence also showed that the named employee did not have a current Secondary Employment Permit to work this off-duty job.</p> <p>Corrective action: Written reprimand</p>
<p>The complainant, while being arrested in 2006, alleged that named employee used unnecessary force causing injury to his shoulder. The complainant also alleged during the arrest named officer stated something along the lines of, “This will teach you a lesson about running from the police.” OPA added an allegation of Failure to Report the Use of Force.</p>	<p>Allegation and Finding</p> <ol style="list-style-type: none"> 1. Professionalism—Exercise of Discretion--Unfounded 2. Unnecessary Use of Force—Unfounded 3. Reporting the Use of Force—Unfounded <p>The evidence showed that the alleged allegations did not occur as reported.</p>
<p>The complainant, a Metro bus driver, alleged that he honked his horn to get the attention of named employee so that he could report a drug transaction. Complainant alleges that named employee scolded him for honking his horn, dismissed the complainant’s observation of criminal activity, and told complainant to call the Prosecutor’s Office because they do not want officers making drug arrests.</p>	<p>Allegation and Finding</p> <ol style="list-style-type: none"> 1. Professionalism-Courtesy—Training Referral 2. Professionalism-Exercise of Discretion—Lawful & Proper 3. Professionalism-Criticism of Others—Training Referral <p>The evidence, including limited and vague information about drug activity, showed the named employee’s action was within Department Policy. The evidence also showed that the named employee was less than courteous when addressing the issue of prosecution of drug violations. A Training Referral will give the named employee’s supervisor an opportunity to discuss this incident with him and to guide him about reasonable steps he should have taken to address the public safety concern and remind him to always be professional when interacting with citizens.</p>



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Case Summary	Case Finding
<p>The complainant, an acquaintance of subject who was arrested for outstanding warrants, alleged that named employee used excessive force on her and searched her property without cause. The complainant also alleged that subject’s vehicle keys and wallet were missing and named employee falsified a police report.</p>	<p>Allegation and Finding Named employee #1</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force—Unfounded 2. Searches-General/Procedures—Unfounded 3. Professionalism-Completion of Reports, Evidence & Actions—Unfounded <p>Named Unknown employee #2</p> <ol style="list-style-type: none"> 1. Evidence & Property—Unfounded <p>The evidence showed that the alleged misconduct did not occur as reported.</p>
<p>The complainant, a family member of a subject who was arrested, alleged that named officers used excessive force, namely a Taser, to take his stepson into custody.</p>	<p>Allegation and Finding 4 named employees, same allegation, same finding</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force—Lawful & Proper <p>1 named employee</p> <ol style="list-style-type: none"> 2. Use of Force/Use of Less Lethal Force—Lawful & Proper <p>The evidence demonstrated that all named employees used necessary force to take subject into custody. The use of force was documented and approved by the named employee’s chain of command and the Use of Force Review Board.</p>
<p>The complainant, an anonymous SPD employee, alleged improprieties with the handling/issuance/purchase of bicycle equipment in the West Precinct. The complainant also alleged theft or converting property to personal use.</p>	<p>Allegation and Finding</p> <ol style="list-style-type: none"> 1. Violation of Law (Theft)—Unfounded 2. City Equipment Policy—Unfounded <p>The evidence, including an audit by the Chief Administrative Officer for the Department, showed no policy violations or misconduct occurred.</p> <p>Note from OPA Director: The following recommendations will be made to Chief Diaz for consideration and implementation: (1) All major purchases will be delivered to the Quartermaster for inventory control before distribution to the precincts and items taken out of service also will be processed by the Quartermaster; (2) Officers newly assigned to the Bike Unit should purchase their uniform items and receive a one-time reimbursement, similar to those in the Motorcycle and Harbor Units; and, (3) Each Precinct Commander should retain command of the bike program in their precinct, with a central commander (e.g., Lieutenant) assigned to develop a common policy and to coordinate Department-wide inventory, equipment purchases, maintenance and training for all bike squads.</p>



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Case Summary	Case Finding
<p>The complainant, while trying to make a police report for a non-police matter at an SPD Precinct, alleged that named employee would not take report and motioned to him that he was eating. Complainant also alleged that he asked named employee for his name and he was given a generic precinct business card. Complainant alleges he asked for a supervisor and named employee responded that nothing was going to happen.</p>	<p>Allegation and Finding</p> <ol style="list-style-type: none"> 1. Professionalism-Exercise of Discretion—Unfounded 2. Professionalism-Courtesy—Inconclusive 3. Professionalism-Duty to Identify—Training Referral 4. Professionalism-Completion of Reports, Evidence & Actions—Lawful & Proper <p>The evidence showed that named employee was justified in not taking a complaint report on a non-police matter. The evidence showed that named employee instructed complainant he could call a supervisor but the supervisor would give him the same advice. The evidence showed that the named employee did give the complainant a business card without his name written on it. A Training Referral finding will give the named employee’s supervisor the opportunity to review this incident with the named employee and instruct the employee to always include his name on business cards when asked for ID by the public, per Department Policy.</p> <p>Note from the OPA Director: The OPA Director concurs with the OPA Captain’s recommendation that consideration be given to provide basic Crisis Intervention Training to precinct clerks.</p>
<p>The complainant, a supervisor within the department, alleges that named employee used excessive force when taking a suspect into custody.</p>	<p>Allegation and Finding</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force—Inactive <p>The evidence showed that the alleged misuse of force was not supported by the facts.</p>
<p>The complainant, a supervisor within the Department, alleged named civilian employee was arrested in another state for DUI. The complainant also alleged that named employee failed to report his arrest in a timely manner and made several false statements during the arrest process.</p>	<p>Allegation and Finding</p> <ol style="list-style-type: none"> 1. Violation of Law (DUI)—Sustained 2. Complaint Process/Reporting Requirements—Sustained 3. Honesty—Sustained 4. Integrity—Sustained <p>The evidence showed that the named employee violated Department Policy for the allegations filed against him.</p> <p>Corrective action: Termination (Discipline was not imposed due to the employee’s resignation in 2012, prior to the completion of the investigation)</p>



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Case Summary	Case Finding
<p>The complainant, a supervisor within the Department, reported he received information that an unknown SPD employee was assisting a gang member in identifying individuals who may or may not be associated with the police to further his criminal activity. The complainant also alleged that the unknown employee used Department databases to provide this information.</p>	<p>Allegation and Finding</p> <ol style="list-style-type: none"> 1. Violation of Law (SPD Records Violation)—Unfounded 2. Criminal Records/Policy—Unfounded <p>The evidence, including an extensive criminal investigation by the FBI, showed that none of the information could be verified.</p>
<p>The complainant, a supervisor within the Department, reported that named civilian employee was arrested for DUI.</p>	<p>Allegation and Finding</p> <ol style="list-style-type: none"> 1. Violation of Law (DUI)—Sustained <p>The evidence showed that the named employee was arrested and charged for DUI.</p> <p>Corrective action: 3-day suspension without pay; 1 day held in abeyance for 2 years. Any additional alcohol related driving incidents in which it is determined named employee violated Department Policy will result in the imposition of the 1-day held in abeyance and discipline up to and including termination.</p>
<p>The complainants, who witnessed an arrest of a subject, allege named officers used excessive force after subject was placed in handcuffs.</p>	<p>Allegation and Finding</p> <p>Two named employee, same allegation, same finding</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force—Lawful & Proper <p>The evidence, including a photo provided by one of the complainants, showed that they were standing approximately 70 feet away and did not observe the whole incident. The complainants also admitted that they could not tell whether subject was handcuffed. The evidence showed that both named employees used necessary force when taking subject into custody. This event was properly reported and reviewed by the named employee's chain of command and the Use of Force Review Board.</p>



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<p>The complainant alleged named employee unlawfully took possession of a rifle and ammunition and failed to enter the property into evidence.</p>	<p>Allegation and Finding</p> <ol style="list-style-type: none"> 1. Violation of Law (Theft)—Inconclusive 2. Mishandling Evidence/Property—Sustained 3. Gifts & Gratuities—Inconclusive <p>The evidence neither proved nor disproved whether named employee took possession of property for personal use or monetary benefit. The evidence did show that the named employee failed to enter property into Evidence in a timely manner per Department Policy.</p> <p>Corrective action: Written reprimand</p> <p>Note from OPA Director: An issue that came up during the investigation concerned the question as to whether there are working video cameras in the Precinct lobby. The OPA Investigator was informed that there are live cameras but no recording is made. Given safety and evidentiary issues that can come up concerning citizens and SPD employees, the OPA Director suggests that consideration be given to the pros and cons of adding a recording function to these cameras.</p>
<p>The complainant alleged, back in May of 2012, an unknown officer yell at him to “get out of here” then pushed and punched him while he was handing out business cards.</p>	<p>Allegation and Finding</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force—Inconclusive 2. Reporting the Use of Force—Inconclusive <p>OPA was unable to discover any evidence of this contact and no investigative leads to pursue for this incident.</p>
<p>The complainant, who was making threats to harm others, alleged that named employees used unnecessary force and made rude statements to her as they were taking her into custody.</p>	<p>Allegation and Finding</p> <p>Named employee #1</p> <ol style="list-style-type: none"> 1. Professionalism-Courtesy—Unfounded 2. Unnecessary Use of Force—Unfounded <p>Named employee #2</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force—Unfounded <p>The evidence, including eyewitnesses to the event, established that the misconduct alleged against the named employees did not occur as reported.</p>



Case Summary	Case Finding
<p>The complainant alleged that named employees, who were assisting an outside agency with a DV arrest warrant, received permission to search his room only but searched the entire home without permission. The complainant also alleged that named employees used unnecessary force during his arrest causing him injury and also alleged he should have been arrested downtown when named employee saw him selling tickets at a Seahawk game.</p>	<p>Allegation and Finding Named employee #1 1. Searches-General/Procedures— Sustained Named employee #2 2. Professionalism-Exercise of Discretion— Lawful & Proper 3. Reporting the Use of Force—Unfounded Named employee #3 4. Searches-General/Procedures— Sustained Named employee #4 5. Unnecessary Use of Force—Unfounded</p> <p>The evidence showed that named employees did not provide the resident an opportunity to review and possibly sign/authorize a Department Consent to Search form. The evidence showed that the named employee used necessary, un-reportable force on complainant while taking him into custody. The evidence also showed that it would have been unreasonable to arrest complainant while named employee was working in an off-duty capacity.</p>
<p>The complainant, who was being taken into custody after a foot chase, alleged that named employees used excessive force while he was being taken into custody. The complainant also alleges that named employee used excessive force while he was being removed from the car at the Precinct.</p>	<p>Allegation and Finding 3 named employees, same allegation, same finding 1. Unnecessary Use of Force—Unfounded 1 named employee 2. Unnecessary Use of Force—Lawful & Proper</p> <p>The evidence showed that the use of force by three named employees did not occur as reported. The evidence, including precinct video, showed the named employee used necessary and reasonable force to control complainant while he called for assistance. The use of force was properly documented and reviewed by the named employee's chain of command and the Use of Force Review Board.</p>
<p>The complainant, a victim of DV assault, alleged that named employee shoved her to the ground and arrested her boyfriend despite her objection.</p>	<p>Allegation and Finding 1. Unnecessary Use of Force—Unfounded 2. Professionalism-Exercise of Discretion— Lawful & Proper</p> <p>The evidence, including In-Car Video, showed that the complainant was never pushed to the ground. The evidence, including a third party witness of the DV assault, provided probable cause to make a mandatory DV arrest per Department Policy and State Law.</p>



Seattle Police Department – Office of Professional Accountability

Case Summary	Case Finding
<p>The complainant alleged that the named employees infringed on his right to free movement and open carry of a firearm by detaining him and removing from his person his wallet with his concealed pistol license and handgun.</p>	<p>Allegation and Finding Two named employees, same allegation, same finding</p> <ol style="list-style-type: none"> 1. Professionalism-Exercise of Discretion—Training Referral <p>Named employee #3</p> <ol style="list-style-type: none"> 2. Searches-General/Procedures—Training Referral <p>The evidence showed that named employees number #1 & 2 were not justified in detaining complainant and removing his handgun from his person. The evidence also showed that named employee #3 was not justified in removing complainant’s wallet from his person to find his identification. A Training Referral finding for all three employees will give the supervisor of the named employees the opportunity to review this incident with them and discuss what constitutes a Terry Stop when contacting a person who legally “open carries” a handgun. Washington State is an “open carry” state and it is not illegal to “open carry” a firearm in public, provided the firearm is holstered.</p> <p>Note from OPA Director: The OPA Director also agrees with the OPA Captain’s recommendation that the Sergeant who screened this incident be included in the training review of laws and policy regarding stops involving “open carry” issues. Consideration should be given to addressing the topic more broadly through roll call or other training at the precinct level.</p>
<p>The complainant, who was threatening to harm himself, alleged that named employees used excessive force while taking him into custody</p>	<p>Allegation and Finding Three named employees, same allegation, same finding</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force—Lawful & Proper <p>The evidence, including a statement from an eyewitness to the event, showed that named employees used necessary force while taking complainant into custody. The force used was documented and reviewed by named employee’s chain of command and the Use of Force Review Board.</p>



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Case Summary	Case Finding
<p>The complainant, while being contacted by named employees, alleged that the named employees punched him in the stomach, pushed him into a fence, and shined a bright light into his eyes. The complainant also alleged named employees planted a crack pipe on him.</p>	<p>Allegation and Finding Two named employees, same allegations, same findings</p> <ol style="list-style-type: none">1. Unnecessary Use of Force—Inconclusive2. Professionalism-Courtesy—Unfounded <p>The evidence neither proved nor disproved by preponderance of the evidence whether named employees used force on the subject. The evidence also showed that the crack pipe was found on an associate of the complainant and the pipe was entered into evidence. The evidence showed that the complainant continually turned toward the bicycle headlamp after being instructed not to, and complainant refused treatment by the Seattle Fire Department.</p>



Definition of Findings:

Inconclusive (formerly Not Sustained) means the allegation of misconduct was neither proved nor disproved by a preponderance of the evidence.

Lawful and Proper (formerly Exonerated) means a preponderance of evidence indicates the conduct alleged did occur, but that the conduct was justified, lawful and proper.

Sustained means the allegation of misconduct is supported by a preponderance of the evidence.

Training Referral (formerly Supervisory Intervention) means while there may have been a violation of policy, it was not a willful violation, and/or the violation did not amount to misconduct. The employee's chain of command is to provide appropriate training, counseling and/or to review for deficient policies or inadequate training.

Unfounded means a preponderance of evidence indicates the alleged act did not occur as reported or classified, or is false.



Mediation Program

The OPA Director and Auditor selected 8 cases during January through March to be resolved through the Mediation Program. Of the 8 cases that were selected, 2 complaints were resolved through the mediation process. 3 complainants declined to mediate and in 1 case the complainant has not responded to OPA contacts. In 2 complaints, OPA is waiting to hear back from the complainant with their decision to mediate.

Cases Opened -2012/2013 by Month Comparison

Date	Supervisor Action		Investigation		TOTAL	
	2012	2013	2012	2013	2012	2013
1/1-1/31	33	24	16	14	49	38
2/1-2/29	27	19	14	13	41	32
3/1-3/31	26	24	10	10	36	34
4/1-4/30	40		20		60	0
5/1-5/31	42		17		59	0
6/1-6/30	28		18		46	0
7/1-7/31	33		18		51	0
8/1-8/31	46		15		61	0
9/1-9/30	40		17		57	0
10/1-10/31	37		15		52	0
11/1-11/30	26		8		34	0
12/1-12/31	27		12		39	0
Totals	405	67	180	37	585	104

