



CLOSED CASE SUMMARY

ISSUED DATE: OCTOBER 16, 2022

FROM: DIRECTOR GINO BETTS
 OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0122

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	8.400 - Use of Force Reporting and Investigation 8.400-POL-1 Use of Force Reporting and Investigation 4. The Sergeant Will Review and Appropriately Classify the Incident	Not Sustained - Inconclusive
# 2	8.400 - Use of Force Reporting and Investigation 8.400-POL-1 Use of Force Reporting and Investigation "Supervisors must clearly and reliably document the steps they have taken"	Not Sustained - Inconclusive

Named Employee #2

Allegation(s):		Director’s Findings
# 1	16.130 - Providing Medical Aid 16.130 - POL - 2 Officers Providing Medical Aid 1. Recognizing the Urgency of Providing Medical Aid and the Importance of Preserving Human Life...	Not Sustained - Unfounded

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:

The Complainant alleged Named Employee #1 (NE#1) failed to review, appropriately classify, and document a use of force. The Complainant further alleged an Unknown Employee (UE#1) failed to render or obtain medical aid after the Subject repeatedly slammed his head against the ground.

SUMMARY OF INVESTIGATION:

On April 19, 2022, officers responded to a Sheraton Hotel for a reported trespass. Subject #1 was noncompliant, resulting in officers performing a team takedown. That use of force appeared to cause an abrasion to the Subject #1’s forehead. NE#1, a sergeant, arrived to screen the incident. The primary officer, who participated in the takedown, pointed out a “rugburn” abrasion on the Subject #1’s forehead. He also described and demonstrated their use of force. Despite those reports, NE#1 inaccurately classified the involved force and failed to document his investigative steps and review of the involved officers’ actions. On April 21, 2022, via Blue Team, OPA received the related complaint. OPA initiated an investigation, including reviews of BWVs, ICVs, CAD reports, a General Offense report, Supplemental reports, and NE#1’s Sergeant Arrest Screening report. OPA also interviewed NE#1.

Computer-Aided Dispatch Reports (summary)



On April 19, 2022 at 2:08 AM, officers responded to a Sheraton Hotel at 1400 6th Ave Seattle, WA 98101. The caller's (hotel security) remarks were noted as: *In the lobby, four subjects refusing to leave until they're either given food or the police come. They're claiming they own all the hotels. Appears high/intox. No weapons seen.* Subject #1 (S#1), the alleged aggressor, was described as a Black male, 6' tall, 250 pounds, wearing a grey jacket and black pants. Subject #2 (S#2) was described as a White male, in his 30s, wearing a grey jacket and blue jeans. The disturbance escalated when S#1 grabbed S#2's collar, and a third subject tried grabbing the hotel security. Officers arrived about 10 minutes later. Within three minutes, officers had "(S#1) detained and under control." Officers also requested an ambulance, which arrived 8 minutes later. NE#1 arrived three minutes after the ambulance. The ambulance transported S#1 to the King County Jail. At 4:31 AM, the primary officer cleared the call.

General Offense Report (summary)

The primary officer generated the General Offense report.¹ Upon arrival, the primary officer saw S#1 and S#2 sitting on a couch in the hotel's lobby. He spoke to hotel security, who said there were initially four trespassers but two left. The primary officer saw S#1 gripping S#2's jacket. S#2 indicated he wanted to leave. The primary officer attempted to engage S#1, who responded, "You better look at my ID before you kill me" and "I am a dragon and a lion." S#1 refused to release S#2 then slapped S#2's face.² Officers approached to detain S#1. S#1 pulled away, but officers were able to handcuff and get him on the ground. Officers also covered S#1's head with a spit sock, after he tried spitting on them. NE#1 arrived and screened the incident. The primary officer directed an ambulance to transport S#1 to King County Jail. A search incident to S#1's arrest revealed about 0.3 gram of suspected cocaine.

Witness Employee #1's (WE#1) Supplemental Report (summary)

WE#1 responded to the hotel as a backup officer. He processed the scene for evidence. At his precinct, WE#1 used a rapid screening and identification method³ to test the recovered suspected cocaine. It returned a presumptively positive result for cocaine. WE#1 inventoried the test and other recovered items.

Witness Employee #2's (WE#2) Supplemental Report (summary)

WE#2 and Witness Employee #3 (WE#3), his partner, were dispatched to the hotel as backup. Hotel staff directed them toward the disturbance. In the lobby, WE#2 saw officers trying to control S#1. WE#2 worked to secure the scene while other officers grappled with S#1. WE#1 saw S#2, who appeared shaken and distraught. S#2 told WE#2 about what transpired prior to WE#2's arrival. S#2 said, "I thought I was going to die." An ambulance arrived and S#1 was put on a gurney. While on the gurney, S#1 spat at officers. A spit sock was put over his head, which WE#2 monitored to ensure S#1 had sufficient oxygen. S#1 left the scene in the back of the ambulance.

NE#1's Arrest Screening Supplemental Report (summary)

NE#1's report noted S#1's name, charges, arrest, and that BWVs captured the encounter. It further reflected NE#1 saw S#1 on scene, including a scrape on his forehead. It denied officers used force, indicating a "use of force packet" was not applicable:

- *Did the subject or any involved officer report use of force – No*
- *If so, was the use of force packet completed – N/A*

WE#3's Supplemental Report (summary)

¹ General Offense Report #2022-097386

² Later, S#2 told officers he met S#1 minutes before the group enter the hotel. He followed S#1 in search for food but tried to leave once S#1 got "violent and agitated."

³ NIK Test G



WE#3 responded with WE#2. WE#3 saw three officers in the lobby struggling to control S#1. WE#3 grabbed S#1's legs, while other officers handcuffed him. S#1 was placed in the recovery position, where he slammed his head against the ground. S#1 also continued to resist and threaten officers. An ambulance was requested to transport S#1 due to his size and behavior. WE#3 controlled S#1's head to prevent self-harm. She also moved S#1's jacket and sweatshirt down from his nose so he could breathe. An ambulance arrived and strapped⁴ S#1 to a gurney. Officers covered S#1's head with a spit sock and he was transported away.

Witness Employee #4's Supplemental Report (summary)

WE#4 was dispatched to Harborview Medical Center (HMC) for a death investigation. S#1 was processed at King County Jail with a medical condition. Emergency Medical Technicians (EMTs) unsuccessfully tried to save S#1, who passed away at HMC. A King County Jail Correctional Officer told WE#4 S#1 was booked at the jail around 3:00 AM. S#1 had a medical incident around 3:30 AM in the booking cell area. Jail staff provided medical aid until Seattle Fire Department employees arrived. Seattle Medic arrived and transported S#1 to HMC, where he passed away.

A SPD sergeant responded and screened the incident with SPD's Force Investigation Team (FIT). FIT arrived to investigate.

NE#1's BWV (summary)

NE#1 arrived and was briefed about the call. An officer involved in S#1's team takedown told NE#1 "we went to arrest him, and we took him down." That officer also demonstrated the officers' takedown of S#1. NE#1 saw several officers struggling to control S#1 on the ground. An officer put a cushion under S#1's head. The primary officer gave NE#1 a detailed overview of the situation. NE#1 and the primary officer discussed potential charges. WE#3, who assisted with controlling S#1, said "stop, stop hitting your head."⁵ S#1 was put on a gurney. The primary officer pointed out an abrasion to S#1's head, which NE#1 acknowledged. NE#1 conversed with EMTs. The primary officer also mentioned using a team takedown on S#1.

NE#1 Interviews⁶

On July 5, 2022, OPA conducted a video recorded in-person interview with NE#1. On the night in question, he was a 23-year Department employee with the last 10 years spent as a third watch sergeant. That night, responding officers requested NE#1's presence to screen S#1's arrest. Upon arrival, he met an officer outside the location for a briefing. NE#1 then entered the hotel and saw several officers holding the slightly struggling S#1 on the ground. NE#1 denied officers reporting use of force. OPA showed NE#1 a portion of his BWV depicting an officer summarizing and reenacting the team takedown. NE#1 did not recall that interaction. OPA showed NE#1 another clip of an officer describing the team takedown. NE#1 thought the officer reported a controlled takedown, which would not require a use of force investigation without the subject complaining of pain. NE#1 recalled being told about an abrasion on S#1's forehead but interpreted it as a preexisting injury. Further, in a prepared statement, NE#1 said he thought responding officers requested his presence on the night in question for a "direct book," indicating no use of force.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

⁴ Soft restraints were used.

⁵ NE#1 is not proximate to WE#3 when that statement was made.

⁶ FIT locked NE#1's BWV during its investigation, so NE#1 was unable to review it prior to his OPA interview.



8.400 - Use of Force Reporting and Investigation 8.400-POL-1 Use of Force Reporting and Investigation 4. The Sergeant Will Review and Appropriately Classify the Incident

The Complainant alleged NE#1 shirked his duty to review, appropriately classify, and document the investigation. The Seattle Police Department recognizes the magnitude of the responsibility that comes with the constitutional authority to use force. That responsibility includes maintaining vigorous and transparent oversight systems to ensure accountability to the community and maintain their trust. *SPD Policy 8.400-POL-1*. To ensure transparency and accountability, officers must clearly and reliably report and thoroughly document certain uses of force. *Id.* Further, supervisors must clearly and reliably document the steps taken to investigate and review the actions of subordinate officers and any additional steps taken or recommendations for further review and action. *Id.* Specifically, sergeants will review uses of force and appropriately classify the force used. *Id. at 4.*

Here, during his OPA interview, NE#1 said he conducted “hundreds and hundreds” of use of force screenings prior to the morning in question. That morning, at 2:34 AM, NE#1 arrived at the hotel in response to the primary officer’s request for a supervisor. Specifically, the primary officer requested a supervisor for a direct book, which indicated to NE#1 no force was used.⁷ That description framed NE#1’s screening approach. Upon arrival, NE#1 was briefed by a secondary officer, who described the arrest as a team takedown. That officer also provided a demonstration. The primary officer also briefed NE#1, including reporting the team takedown. However, given the earlier request for a direct book, NE#1 interpreted the officers’ descriptions as a controlled takedown⁸, rather than a team takedown. Further, while the primary officer pointed out the abrasion on S#1’s forehead, NE#1 misunderstood it as a pre-existing injury. That confusion was also likely due to him anticipating a direct book screening. OPA notes inconsistencies between NE#1’s interview and BWV, which he was unable to review due to the FIT investigation. However, as bound by the applicable collective bargaining agreement, OPA recognizes the inability to review video can impact reporting accuracy and increase the likelihood of discrepancies. *Agreement By and Between The City of Seattle and Seattle Police Officers’ Guild, APPENDIX A - BODY WORN VIDEO (Effective through December 31, 2020)*.⁹

Overall, there is insufficient evidence to prove NE#1 more likely than not shirked his duty to review, appropriately classify, and document the investigation.

Accordingly, OPA recommends this allegation be Not Sustained – Inconclusive.

Recommended Finding: **Not Sustained - Inconclusive**

Named Employee #1 - Allegation #2

**8.400 - Use of Force Reporting and Investigation 8.400-POL-1 Use of Force Reporting and Investigation
"Supervisors must clearly and reliably document the steps they have taken"**

The Complainant alleged NE#1 failed to clearly and reliably document steps taken to investigate and review subordinate officer actions and additional steps taken or recommendations for further review and action.

⁷ The primary officer’s BWV captures him describing it as a “direct book.”

⁸ SPD classifies controlled placements/takedowns as a Type I use of force, generally requiring Blue Team documentation but no further investigation. *SPD Manual 8.400-POL-3*.

⁹ Although expired, the terms of this agreement still govern pending a new agreement.



Here, for the reasons outlined in Named Employee #1 - Allegation #1, OPA recommends this allegation be Not Sustained- Inconclusive.

Recommended Finding: **Not Sustained - Inconclusive**

Unknown Employee #1 - Allegation #1

16.130 - Providing Medical Aid 16.130 - POL - 2 Officers Providing Medical Aid 1. Recognizing the Urgency of Providing Medical Aid and the Importance of Preserving Human Life...

The Complainant alleges an Unknown Employee (UE#1) failed to request or render appropriate medical aid.

Employees assisting a sick and/or injured person will attempt to determine the nature and cause of the person's injury or illness, provide first aid, and initiate Emergency Medical Services (EMS), as needed. *SPD Manual 16.130- POL- 2. A call for medical aid is not required for apparent injuries that can be treated by basic first aid (e.g. minor cuts and abrasions). Id.*

Here, according to the CAD report, officers requested an ambulance within five minutes of their arrival. Upon their arrival, there was no apparent sickness or injury to S#1. Instead, S#1 was belligerent with S#2 and officers. The need for medical aid was not triggered until S#1, while in the recovery position, slammed his head against the ground. An ambulance was immediately requested, even though the only apparent physical injury was a forehead abrasion which did not require a call for medical aid pursuant to policy. Further, BWV captured WE#3 immediately release S#1's legs and reposition to control his head to prevent self-harm. BWV also captured her yelling "stop, stop hitting your head." An officer was also captured putting a cushion under S#1's head. Moreover, WE#3 adjusted S#1's clothes from covering his nose and mouth to facilitate breathing. WE#2 also monitored S#1's breathing after officers covered his head with a spit sock.

Overall, there is insufficient evidence to prove UE#1 failed to request or render appropriate medical aid.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained - Unfounded**