



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-0109

Issued Date: 02/15/2017

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 8.400 (1) Use of Force Reporting and Investigation: Officers Shall Report All Uses of Force Except De Minimis Force (Policy that was issued September 1, 2015)
OPA Finding	Not Sustained (Inconclusive)
Allegation #2	<u>Seattle Police Department Manual</u> 5.001 (10) Standards and Duties: Employees Shall Be Truthful and Complete In All Communication (Policy that was issued April 1, 2015)
OPA Finding	Not Sustained (Inconclusive)
Allegation #3	<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 (Inconclusive)
Allegation #4	<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 #5	<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 (Inconclusive)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 16.090 (6) In Car Video System: Employees Will Record Police Activity (Policy that was issued February 1, 2015)
OPA Finding	Not Sustained (Lawful and Proper)
Final Discipline	N/A

INCIDENT SYNOPSIS

The complainant discussed use of force issues with Named Employee #1. During the intake of this complaint, OPA added an allegation for Named Employee #2.

COMPLAINT

The complainant alleged that Named Employee #1 did not fully report a use of force to the screening Sergeant. OPA added an allegation for Named Employee #2 of not having In-Car Video (ICV) of the incident.

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

These allegations were based on a conversation the complainant had with Named Employee #1 about a prior incident. The complainant's recollection was that Named Employee #1 boasted of having used excessive force on a subject and then concealing this fact when he screened the incident with his Sergeant. Named Employee #1 told OPA he did not say this to the complainant and there must have been some misunderstanding. There was a third person present during this conversation, an officer from a different agency, but he told OPA he was in the back seat and distracted by working on his laptop, so was not paying attention to what the complainant and Named Employee #1 were saying in the front seat. OPA was able to determine the incident that was being discussed and reviewed all available reports and videos, as well as interviewed the officers present. Attempts were made to interview the subject, but he did not respond to OPA attempts to contact him. OPA was unable to find a preponderance of evidence to either support or refute the following allegations:

- Allegation #1 – That Named Employee #1 failed to report use of force greater than de minimis.
- Allegation #2 – That Named Employee #1 knowingly provided false information to his supervisor regarding his use of force on the subject.
- Allegation #3 – That Named Employee #1 used force on the subject that was not reasonable, necessary and/or proportional.
- Allegation #5 – That Named Employee #1 acted in an unprofessional manner in his conversation with the complainant in front of an officer from another jurisdiction.

There was no evidence to support the allegation that Named Employee #1 used force on the subject while the subject was handcuffed or for retaliation or punishment.

The OPA investigation found that Named Employee #2 was operating a patrol vehicle with a recent history of ICV problems and had put in a work ticket for problems he was having with the ICV.

FINDINGS

Named Employee #1

Allegations #1, #2, #3, and #5

OPA was unable to find a preponderance of evidence to either support or refute the allegations.

Therefore a finding of **Not Sustained** (Inconclusive) was issued for:

Use of Force Reporting and Investigation: Officers Shall Report All Uses of Force Except De Minimis Force

Standards and Duties: Employees Shall Be Truthful and Complete In All Communication

Using Force: Use of Force: When Authorized

Standards and Duties: Employees Shall Strive to be Professional at all Times

Allegation #4

A preponderance of the evidence did not support the allegation that Named Employee #1 used force on the subject while the subject was handcuffed or for retaliation or punishment.

Therefore a finding of **Not Sustained** (Unfounded) was issued for *Using Force: Use of Force:*

When Prohibited.

Named Employee #2

Allegation #1

A preponderance of the evidence supported the conclusion that Named Employee #2 was unable to record as required due to an equipment failure. Therefore a finding of **Not Sustained** (Lawful and Proper) 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.