



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-0519

Issued Date: 01/09/2017

Named Employee #1, #2, #3, and #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)
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 (Unfounded)
Allegation #2	<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	Sustained
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 (Lawful and Proper)
Final Discipline	Written Reprimand

INCIDENT SYNOPSIS

The Named Employees contacted the Complainant in a park and took him into custody.

COMPLAINT

The complainant alleged that the Named Employees "illegally detained him" and "hospitalized him against his will." The complainant also alleged that while being detained at the scene prior to being transported to the hospital, the Named Employees hurt him when a knee or knees were placed on/near his lower back and legs and when "the magazines in their gun belts" pressed against his bare feet and groin area when "they laid on top" of him.

During the Intake Process, OPA discovered that Named Employee #5 did not have ICV for this incident.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint
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

The complainant was acting in a way that made bystanders believe he needed help and was possibly in crisis. Named Employee #1, #2, #3, #4, and #5 responded and involuntarily committed him to a medical center. Officers responded to a report of a male acting strangely in a park. The complainant was allegedly swinging a shirt with a can inside endangering other people. The Named Employees arrived and observed the complainant throw a shoe at people in the park. The Named Employees waited until they had sufficient units to contact the complainant. The complainant engaged in behavior that would make a reasonable officer believe he was a danger to himself and others. Named Employee #1, a supervisor on scene, decided to involuntarily commit the complainant for an evaluation. The Named Employees used de-escalation while attempting to gain voluntary compliance. Eventually the Named Employees used de minimis force to take the complainant into custody. The Named Employees, except for Named Employee #5 who did not use force, used control holds and body weight to secure the complainant until the ambulance was able to restrain him and transport him to the hospital. Based on the behavior of the subject, it was objectively reasonable for Named Employee #1 to believe the complainant posed a risk to himself and others. Taking the complainant into custody for an evaluation was lawful given these circumstances. In addition, the force used to take him into custody was reasonable, necessary and proportional. The actions of the Named Employees were recorded on video and were consistent with what the Named Employees reported.

The OPA investigation found that Named Employee #5 was engaged in crowd control duties at the time force was used on the complainant and never went “hands-on” with him.

During the Intake process, the OPA investigator found that Named Employee #5 did not have ICV for this incident. In her interview she did not have any explanation for not activating her ICV. Named Employee #5 had conducted a systems check as required by department policy and her ICV system appeared to be working properly with no known technical issues.

FINDINGS

Named Employee #1, #2, #3, and #4

Allegation #1

The preponderance of the evidence showed that the force used by the Named Employees was reasonable, necessary and proportional. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Using Force: Use of Force: When Authorized*.

Named Employee #5

Allegation #1

The preponderance of the evidence showed that Named Employees #5 did not use force on the complainant. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Using Force: Use of Force: When Authorized*.

Allegation #2

The preponderance of the evidence showed that Named Employee #5 did not activate the ICV system as required by policy. Therefore a **Sustained** finding was issued for *In Car Video System: Employees Will Record Police Activity*.

Discipline Imposed: Written Reprimand

Allegation #3

The preponderance of the evidence showed that Named Employee #5 completed a systems check of the ICV as required by policy. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *In Car Video System: Employees Will Log in and Perform a System Check*.

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.