



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-0866

Issued Date: 02/28/2017

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 8.400 (3) Use of Force Reporting and Investigation: The Sergeant Will Review the Incident and Do One of the Following: (Policy that was issued September 1, 2015)
OPA Finding	Not Sustained (Unfounded)
Allegation #2	<u>Seattle Police Department Manual</u> 8.200 (8) Using Force: Consistent With the Timelines in Section 8.400, Officers and Supervisors Shall Ensure That the Incident Is Accurately and Properly Reported, Documented, and Investigated (Policy that was issued September 1, 2015)
OPA Finding	Not Sustained (Lawful and Proper)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 8.200 (8) Using Force: Consistent With the Timelines in Section 8.400, Officers and Supervisors Shall Ensure That the Incident Is Accurately and Properly Reported, Documented, and Investigated (Policy that was issued September 1, 2015)
OPA Finding	Not Sustained (Lawful and Proper)
Final Discipline	N/A

Named Employee #3	
Allegation #1	<u>Seattle Police Department Manual</u> 8.200 (8) Using Force: Consistent With the Timelines in Section 8.400, Officers and Supervisors Shall Ensure That the Incident Is Accurately and Properly Reported, Documented, and Investigated (Policy that was issued September 1, 2015)
OPA Finding	Not Sustained (Lawful and Proper)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employees reviewed a case that involved a use of force.

COMPLAINT

The complainant, the Force Review Unit, alleged an officer used reportable Type I force but Named Employee #1 classified it as de minimis and did not require the officer to complete a Use of Force (UOF) report, instead having him complete a witness statement. Both Named Employee #2 and Named Employee #3 failed to correct this error and approved Named Employee #1's UOF investigation. The Force Review Unit also noted the "under reporting" of force to be a pattern from that Precinct and decided to send it to OPA.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint memo
2. Search for and review of all relevant records and other evidence
3. Interviews of SPD employees

ANALYSIS AND CONCLUSION

Named Employee #1 came to the judgment that the "guided takedown" of the subject was de minimis force. Had he determined the force was Type I or higher, he would have been obligated to take one of the actions outlined in this policy.

Named Employees #1, #2, and #3 came to the judgment that the "guided takedown" of the subject was de minimis force and did not require investigation and reporting under SPD Manual Section 8.400. Based on the preponderance of the evidence from this investigation and after reviewing training material from SPD Use of Force Reporting and Supervisor training, the

Named Employees' conclusions that this particular use of force was de minimis was a reasonable application of the policy as stated.

FINDINGS

Named Employee #1

Allegation #1

A preponderance of the evidence showed that Named Employee #1 was not obligated to take one of the actions outlined in the policy. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Use of Force Reporting and Investigation: The Sergeant Will Review the Incident and Do One of the Following*.

Allegation #2

A preponderance of the evidence showed that Named Employee #1's conclusion that this particular use of force was de minimis was a reasonable application of the policy as stated. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Using Force: Consistent With the Timelines in Section 8.400, Officers and Supervisors Shall Ensure That the Incident Is Accurately and Properly Reported, Documented, and Investigated*.

Named Employees #2 and #3

Allegation #1

A preponderance of the evidence showed that Named Employee #2 and Named Employee #3's conclusions that this particular use of force was de minimis was a reasonable application of the policy as stated. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Using Force: Consistent With the Timelines in Section 8.400, Officers and Supervisors Shall Ensure That the Incident Is Accurately and Properly Reported, Documented, and Investigated*.

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.