



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-0867

Issued Date: 03/31/2017

Named Employee #1	
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 (Training Referral)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 8.400 (7) Use of Force Reporting and Investigation: No Supervisor Who Used, Participated in, or Ordered Reportable Force, Will Conduct the Investigation of the Incident ... (Policy that was issued September 1, 2015)
OPA Finding	Not Sustained (Lawful and Proper)
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 (Unfounded)
Final Discipline	N/A

INCIDENT SYNOPSIS

Named Employee #2 screened an arrest and excessive force allegation, then screened the incident with Named Employee #1.

COMPLAINT

The complainant, the Force Review Unit, reviewed a separate case and identified the following potential policy violations by the two Named Employees:

Named Employee #1

8.200, #8: 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 Employee #2

8.400, #7: No Supervisor Who Used, Participated in, or Ordered Reportable Force, Will Conduct the Investigation of the Incident, Unless it is Impractical Under the Circumstances.

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

The preponderance of evidence showed that Named Employee #1 was not aware that the terms “leg restraint” and “hobble” were the same with respect to the requirement their use be reported as a Type II Use of Force. Named Employee #1 acknowledged to OPA that this was a misunderstanding on her part and that she now knows the requirement to report.

Named Employee #2 conducted the force investigation into the subject’s claim he had been punched in the head by an officer. Named Employee #2 also participated in (or ordered) an officer to apply a leg restraint to the subject. These two applications of force did not take place at the same time or in the same location. The only connection between the two was that the same subject was involved. Had Named Employee #2 completed a Use of Force investigation and report for the use of the leg restraint, he would have violated this policy section. But no investigation or report was done regarding the leg restraint.

Named Employee #2 forwarded her investigation and report to her supervisor within three days of the incident. Additional delays with final submission of this force report were not the responsibility of Named Employee #2.

FINDINGS

Named Employee #1

Allegation #1

The evidence showed that the Named Employee would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) 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.*

Required Training: Named Employee #1 should be reminded by her supervisor of the need to investigate and report any use of a leg restraint or hobble as a Type II Use of Force.

Named Employee #2

Allegation #1

A preponderance of the evidence showed that no investigation or report was done regarding the leg restraint. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Use of Force Reporting and Investigation: No Supervisor Who Used, Participated in, or Ordered Reportable Force, Will Conduct the Investigation of the Incident ...*

Allegation #2

A preponderance of the evidence showed that Named Employee #2 forwarded her investigation and report to her supervisor within three days of the incident. Therefore a finding of **Not Sustained** (Unfounded) 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.