



## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Closed Case Summary

Complaint Number OPA#2014-0233

Issued Date: 03/05/2015

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 6.220 Voluntary Contacts & Terry Stops (Policy that was issued 1/30/14)
OPA Finding	<b>Not Sustained</b> (Lawful & Proper)
Allegation #2	<u>Seattle Police Department Manual</u> 5.001(VII.A.) (6.b) Professionalism-Profanity (Policy that was issued 8/18/12)
OPA Finding	<b>Sustained</b>
Allegation #3	<u>Seattle Police Department Manual</u> 5.001(VII.2) Professionalism-Courtesy (Policy that was issued 8/18/12)
OPA Finding	<b>Sustained</b>
Allegation #4	<u>Seattle Police Department Manual</u> 8.100 Use of Force: When Authorized (Policy that was issued 1/1/14)
OPA Finding	<b>Sustained</b>
Final Discipline	<b>10 day suspension without pay (Per Settlement Agreement)</b>

<b>Named Employee #2</b>	
Allegation #1	<u>Seattle Police Department Manual</u> 6.220 Voluntary Contacts & Terry Stops (Policy that was issued 1/30/14)
OPA Finding	<b>Not Sustained</b> (Lawful & Proper)
Allegation #2	<u>Seattle Police Department Manual</u> 5.001(VII.A.) (6.b) Professionalism-Profanity (Policy that was issued 8/18/12)
OPA Finding	<b>Sustained</b>
Allegation #3	<u>Seattle Police Department Manual</u> 5.001(VII.2) Professionalism-Courtesy (Policy that was issued 8/18/12)
OPA Finding	<b>Sustained</b>
Allegation #4	<u>Seattle Police Department Manual</u> 8.100 Use of Force: When Authorized (Policy that was issued 1/1/14)
OPA Finding	<b>Sustained</b>
Final Discipline	<b>10 day suspension without pay (Per Settlement Agreement)</b>

### **INCIDENT SYNOPSIS**

The named employees saw a subject drinking in a park and they contacted the subject. They detained the subject for a possible liquor violation. Approximately nine minutes after the initial contact with the subject, the situation escalated and force was used on the subject.

### **COMPLAINT**

The complainant, a supervisor within the department, alleged that the named employees extended their contact with the subject after telling him that he would be receiving a warning for the liquor violation. The named employees appeared to escalate the situation unnecessarily by bringing up the subject's past conviction history and may have used unauthorized force on the subject.

### **INVESTIGATION**

The OPA investigation included the following actions:

1. Review of the complaint memo
2. Review of In-Car Videos
3. Interviews of Witnesses
4. Interviews of SPD employees

## **ANALYSIS AND CONCLUSION**

After thoroughly reviewing the evidence, it was determined that the named employees' contact with the subject was within department policy as they were still addressing a trespassing violation with the subject after providing the liquor violation warning. During the contact with the subject, the named employees brought up the subject's conviction history and used profanity in the conversation. There was no law enforcement purpose to either the profanity or the verbal exchange about the subject's past criminal history. The subject became mad and attacked the named employees resulting in force being used. Once the subject attacked the officers, they had a right to defend themselves and to use reasonable force to do so. However, de-escalation is a key provision of SPD's Use of Force policy and officers are prohibited from unnecessarily escalating situations to the point where force becomes necessary.

## **FINDINGS**

### **Named Employee #1 and #2**

#### **Allegation #1**

The weight of the evidence showed that named employees were lawful & proper in the contact and detention of the subject, therefore a finding of **Not Sustained** (Lawful & Proper) was issued for *Voluntary Contacts & Terry Stops*.

#### **Allegation #2**

The evidence showed that there was no law enforcement purpose for the named employees using profanity with the subject, therefore a **Sustained** finding was issued for *Professionalism-Profanity*.

#### **Allegation #3**

The evidence showed that there was no law enforcement purpose for the named employees being discourteous with the subject; therefore a **Sustained** finding was issued for *Professionalism-Courtesy*.

#### **Allegation #4**

The weight of the evidence showed that the actions of the named employees escalated the situation to the point of where force was needed to be used, therefore a **Sustained** finding was issued for *Use of Force*.

### **Discipline Issued by the Chief:**

**10 day suspension without pay (Per Settlement Agreement)**

*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.*