



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2014-0387

Issued Date: 04/16/2015

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 8.100 (1) Use of Force: When Authorized (Policy that was issued 01/01/14)
OPA Finding	Not Sustained (Unfounded)
Allegation #2	<u>Seattle Police Department Manual</u> 5.001(2) Adhere to Department Policy & Training (Policy that was issued 07/16/14)
OPA Finding	Not Sustained (Lawful & Proper)
Allegation #3	<u>Seattle Police Department Manual</u> 11.010 Detainee Management: Ensure Safety of Detainees (Policy that was issued 12/19/12)
OPA Finding	Not Sustained (Training Referral)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 8.100 (1) Use of Force: When Authorized (Policy that was issued 01/01/14)
OPA Finding	Not Sustained (Unfounded)
Allegation #2	<u>Seattle Police Department Manual</u> 5.001(2) Adhere to Department Policy & Training (Policy that was issued 07/16/14)
OPA Finding	Not Sustained (Lawful & Proper)
Allegation #3	<u>Seattle Police Department Manual</u> 11.010 Detainee Management: Ensure Safety of Detainees (Policy that was issued 12/19/12)
OPA Finding	Not Sustained (Training Referral)
Final Discipline	N/A

INCIDENT SYNOPSIS

During a review a Use of Force packet, a supervisor within the Department made a referral to OPA for possible Department policy violations related to checking handcuffs of detainees. Named employee #1 was responsible for the safety and transport of the subject. The subject was in the prisoner van for over 1 hour attempting to get the attention of an officer. The subject told named employee #2 that he was in pain and needed to have his handcuffs checked. Named employee #2 did not physically check the status of his hands and wrists, but was able to observe him inside the van through a window.

COMPLAINT

The complainant, a supervisor within the department, alleged that the named employees may not have followed Department policy and training related to checking handcuffs of a detainee.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint memo
2. Review of the Use of Force Packet
3. Search for and review of all relevant records and other evidence
4. Review of In-Car Videos
5. Interviews of SPD employees

ANALYSIS AND CONCLUSION

The subject had been arrested for assaulting two people and Malicious Harassment. A thorough review of the evidence showed that the subject had assaulted four people, including two officers, prior to the named employees taking control of the subject. While inside the transport van, the subject kicked the van door repeatedly, appeared angry and yelled the entire time he was in the transport van. Due to the subject's demeanor and the fact that there were no additional officers present, the named employees did not have physical contact with the subject until other officers arrived. The subject was left in the transport van and not transferred to the Precinct holding cell to reduce the chances he would become assaultive again. Once other officers arrived to assist, the named employees requested that the Seattle Fire Department check on the condition of the subject while at the Precinct. The subject was then transported to the jail.

FINDINGS

Named Employee #1 & #2

Allegation #1

There is no evidence that the named employees used force during their custody, transport, or detention of the subject, which is supported by In-Car Video. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Use of Force: When Authorized*.

Allegation #2

The weight of the evidence showed that the named employees followed Department policy during their custody, transport and detention of the subject. Therefore a finding of **Not Sustained** (Lawful & Proper) was issued for *Adhere to Department Policy & Training*.

Allegation #3

While it was understandable that the named employees were reluctant to open the transport van door and physically contact the subject due to assault concerns, it may have been better for the subject to have been transported directly to the jail rather than to the precinct. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Detainee Management: Ensure Safety of Detainees*. A Training Referral will allow a supervisor to review this policy with the named employees to augment and enhance their prisoner management and detention skills.

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.