



## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Closed Case Summary

Complaint Number OPA#2014-0789

Issued Date: 06/03/2015

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 13.030 Vehicle Operation: Officers Are Responsible for the Safe Operation of Their Police Vehicle (Policy that was issued 11/21/12)
OPA Finding	<b>Not Sustained</b> (Management Action)
Allegation #2	<u>Seattle Police Department Manual</u> 8.100 (1) Use of Force: When Authorized (Policy that was issued 01/01/14)
OPA Finding	<b>Not Sustained</b> (Training Referral)
Allegation #3	<u>Seattle Police Department Manual</u> 8.300 (1) Use of Force Reporting: Officers Shall Report All Uses of Force Except <i>De Minimus</i> Force (Policy that was issued 01/01/14)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Final Discipline	N/A

#### **INCIDENT SYNOPSIS**

The named employee was working during a demonstration against police brutality in the downtown Seattle corridor.

## **COMPLAINT**

The complainant alleged the named employee, working on a bicycle, quickly rode past her and bumped her leg with the bicycle pedal, causing an abrasion. It is further alleged that the named employee swung her fist at a different person, but did not make contact with that other demonstrator who had spit at the named employee.

## **INVESTIGATION**

The OPA investigation included the following actions:

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

## **ANALYSIS AND CONCLUSION**

The evidence showed that any contact between the named employee's bicycle and the complainant's leg was unintentional and not a reportable use of force. The named employee reported the use of force (punch) and it was reviewed by the SPD Force Review Board (FRB). The FRB found the punch to be within policy, but inconsistent with trained tactics. OPA concurs with the FRB finding as to policy and supports their recommendation that the named employee receive added training in how to respond to such a situation.

## **FINDINGS**

### **Named Employee #1**

#### **Allegation #1**

Given the extent to which bicycles are being deployed by SPD in both daily and special event operations, it is time to have written policy and/or procedures regarding their operation and use. The absence of written guidelines was made clear in this complaint when OPA struggled to find a standard to use when listing the allegation that the named employee injured the complainant as a result of unsafe bicycle operation. Therefore a finding of **Not Sustained** (Management Action) was issued for *Vehicle Operation: Officers Are Responsible for the Safe Operation of Their Police Vehicle*.

#### **Allegation #2**

The evidence showed that the named employee was within policy regarding the use of force, but inconsistent with trained tactics. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Use of Force: When Authorized*. A Training Referral will allow a supervisor to ensure that the named employee receives additional training.

Allegation #3

The evidence showed that the reportable force (punch) used by the named employee was properly reported and investigated as required by policy. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Use of Force Reporting: Officers Shall Report All Uses of Force Except De Minimus Force*.

The OPA Director's letter of Management Action recommendation to the Chief of Police is attached to this report.

*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.*