



OFFICE OF POLICE ACCOUNTABILITY

Closed Case Summary

Complaint Number 2017OPA-0616

Issued Date: 01/24/2018

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (9) Standards and Duties: Employees Shall Strive to be Professional at all Times (Policy that was issued April 1, 2015)
OPA Finding	Sustained
Final Discipline	No Discipline Imposed

INCIDENT SYNOPSIS

The Named Employee conducted a high-risk felony stop of a subject.

COMPLAINT

The complainant, a supervisor within the Department, alleges that the Named Employee was unprofessional when the Named Employee yelled at a subject during a high risk stop to "crawl like a dog".

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint
2. Search for and review of all relevant records and other evidence
3. Review of In-Car Videos (ICV)
4. Interview of SPD employee

ANALYSIS AND CONCLUSION

On the date of the incident, Named Employee #1 was a trainee officer. He was working with his field training officer (FTO). Named Employee #1 and the FTO engaged in a high-risk felony stop of an individual who was suspected of discharging a firearm. The stop and most of the officers' interaction with the subject were captured on ICV.

During the stop, the subject, who was an African-American man, was ordered to get on the ground face down. The officers then made the decision to order the subject to crawl towards them. This allowed the officers to maintain cover on the subject while getting close enough to him to place him into handcuffs. The FTO directed the subject to crawl towards them, but the subject responded: "I am not gonna crawl bro." At that point, Named Employee #1 yelled: "Get on your hands and knees, like a dog, and crawl towards us." Named Employee #1 further stated: "Do it now, get on your hands and knees and crawl." Eventually, the subject complied with the officers' orders. The subject was then told to stand up and walk backwards towards the officers. He did so and he was placed into handcuffs.

The subject was seated in the back of a patrol vehicle. While inside the patrol vehicle, ICV captured him hitting his head against the partition between the front and back seats. This appeared to cause an abrasion to the subject's head. The subject additionally alleged that an officer used a racial slur towards him. There was no indication from ICV that this occurred.

After the scene had been secured, the FTO spoke to Named Employee #1 about his telling the subject to crawl like a dog. The FTO told Named Employee #1 that this comment was inappropriate and he needed to be careful as to what terminology he used. The FTO documented this incident and the counseling he provided in Named Employee #1's Daily Observation Report. In that document, the FTO further reported that when he raised the issue with Named Employee #1, Named Employee #1 indicated that as he was also African-American, "no one could say anything." The FTO told him that he was missing the point and further discussed the issue with him. The FTO indicated that Named Employee #1 began to see the point he was making. The FTO told Named Employee #1 that he would be screening this matter with a sergeant. Named Employee #1 responded that he understood, but did not think the issue needed to go to a sergeant. Ultimately, the FTO reported Named Employee #1's statement to a sergeant who then referred this matter to OPA.

At his OPA interview, Named Employee #1 stated that he did not intend to use language that was derogatory or offensive, but instead was simply trying to be descriptive. Named Employee #1 reported that he was trying to simplify for the subject what he was being asked to do, and by characterizing the command as crawling towards the officers like a dog he achieved that goal. Named Employee #1 explained his belief that it was similar to telling a subject to hold their arms out like an airplane. Named Employee #1 reported his surprise when his FTO told him that his statement could be construed as being racially insensitive and unprofessional. Named Employee #1 stated that he, like the subject, is African-American and that his statement was not biased. While Named Employee #1 told OPA that he did not feel that his statement was

unprofessional, he stated that in future situations he would be more cognizant of saying “things that can be taken out of context.”

SPD Policy 5.001-POL-9 requires that SPD employees “strive to be professional at all times.” The policy further instructs that “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers.” (SPD Policy 5.001-POL-9.)

Simply stated, directing a subject to crawl like a dog was unprofessional and violated SPD policy. This was the case even accepting Named Employee #1’s assertion that he did not intend to be pejorative and that he did not intend to engage in bias. The OPA Director also understood his explanation that his statement was purposed to describe his commands. Ultimately, it was simply inappropriate for an officer to tell any subject to crawl like a dog. SPD’s policy is purposed to maintain the public’s trust and confidence in the Department. Named Employee #1’s statement, even if not made with ill will and intentional or unintentional bias, serves to undermine this policy.

FINDINGS

Named Employee #1

Allegation #1

A preponderance of the evidence showed that Named Employee #1’s statement was contrary to the expectations of the Department and the community. Therefore a **Sustained** finding was issued for *Standards and Duties: Employees Shall Strive to be Professional at all Times*.

Discipline Imposed: No Discipline Imposed

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.