



## CLOSED CASE SUMMARY

ISSUED DATE: MAY 17, 2018

CASE NUMBER: 2018OPA-0027

### Allegations of Misconduct & Director’s Findings

**Named Employee #1**

Allegation(s):		Director’s Findings
# 1	8.400 - Use of Force Reporting and Investigation 1. Officers Shall Report All Uses of Force Except De Minimis Force	Not Sustained (Inconclusive)

**Named Employee #2**

Allegation(s):		Director’s Findings
# 1	8.400 - Use of Force Reporting and Investigation 1. Officers Shall Report All Uses of Force Except De Minimis Force	Not Sustained (Inconclusive)

***This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.***

### EXECUTIVE SUMMARY:

During an investigation by the Department’s Force Investigation Team, it was discovered that the subject made two complaints of pain while in the rear of a patrol vehicle prior to and during her transport from the North Precinct to SPD Headquarters. It was further discovered that, even though the complaints were captured by In-Car Video, the Named Employees did not report the complaints in potential violation of policy

### ANALYSIS AND CONCLUSIONS:

**Named Employee #1 - Allegation #1**

***8.400 - Use of Force Reporting and Investigation 1. Officers Shall Report All Uses of Force Except De Minimis Force***

The Named Employees were assigned to transport an arrested person from the North Precinct to SPD Headquarters. In-Car Video (ICV) recorded the Named Employees assisting the person into the back seat of the patrol vehicle. While she is seated in the back seat, the subject begins to move around and complains of pain. The complaint of pain was captured by and could be heard on the rear ICV of the patrol vehicle; however, the complaint was not audible on the front ICV. From a review of video, it is unclear whether the Named Employees were in the patrol vehicle at the time the complaint was made and unclear whether they heard it.

When the Named Employees were seated in the front of the patrol vehicle and when they began transporting the subject, she made a second complaint of pain. At the time of this complaint, the officers were leaving the precinct sally port and were speaking to the dispatcher. Neither officer appeared to hear the complaint of pain, as they neither responded to or acknowledged the subject’s statement.



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SPD Policy 8.400-POL-1 requires officers to report all uses of force except for de minimis force. A complaint of pain is a Type I use of force that must be reported. As such, if the Named Employees heard the subject's complaints of pain and did not report them, that failure to report would constitute a violation of policy.

Here, however, the evidence in the record is inconclusive as to whether the Named Employees heard the complaints of pain. Most notably, while the complaints could be heard on the rear ICV of the patrol vehicle, they were not captured by the front ICV. This suggests to me that the Named Employees may not have heard the complaints. Either way, this matter cannot be conclusively proved or disproved and, as such, I recommend that this allegation be Not Sustained – Inconclusive against both Named Employees.

Recommended Finding: **Not Sustained (Inconclusive)**

**Named Employee #2 - Allegation #1**

***8.400 - Use of Force Reporting and Investigation 1. Officers Shall Report All Uses of Force Except De Minimis Force***

For the same reasons as indicated above (see Named Employee #1, Allegation #1), I recommend that this allegation be Not Sustained – Inconclusive.

Recommended Finding: **Not Sustained (Inconclusive)**