



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2015-1881

Issued Date: 06/29/2016

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 8.200 (1) Using Force: Officers Use of Force: When Authorized (Policy that was issued 09/01/2015)
OPA Finding	Not Sustained (Unfounded)
Allegation #2	<u>Seattle Police Department Manual</u> 8.400 (1) Use of Force Reporting and Investigation: Officers Shall Report All Uses of Force Except De Minimis Force (Policy that was issued 09/01/2015)
OPA Finding	Not Sustained (Unfounded)
Allegation #3	<u>Seattle Police Department Manual</u> 15.180 (5) Primary Investigations: Officers Shall Document all Primary Investigations on a General Offense Report – All reports must be complete, thorough and accurate (Policy that was issued 04/01/2015)
OPA Finding	Not Sustained (Training Referral)
Final Discipline	N/A

INCIDENT SYNOPSIS

Officers were dispatched to a disturbance. Once they arrived, they determined that the complainant was in crisis. The Named Employee removed a switchblade knife from the complainant. The complainant was sent to the hospital for an evaluation.

COMPLAINT

The complainant alleged her wrists were injured from handcuffing and that her knees were injured from being pushed down to the ground. Additional allegations discovered during investigation that the Named Employee failed to properly document the switchblade and put it into evidence.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint
2. Interview of the complainant
3. Review of In-Car Video (ICV)
4. Search for and review of all relevant records and other evidence
5. Interview of witnesses
6. Interview of SPD employees

ANALYSIS AND CONCLUSION

The preponderance of the evidence from the OPA investigation, including In-Car Video (ICV) evidence, does not support the allegation of excessive force against the Named Employee. The evidence supports the conclusion that, other than *de minimis* force (use of hands to guide or control movement), no other or reportable force was used on the complainant. OPA alleged that the Named Employee failed to report the force alleged by the complainant. The preponderance of the evidence from this investigation, including ICV evidence, does not support this allegation. The evidence supports the conclusion that, other than *de minimis* force, no reportable force was used on the complainant. OPA alleged that the Named Employee inaccurately listed a switchblade as a folding knife on the General Offense (GO) Property Report for this incident. The investigation showed that the knife removed from the complainant by the Named Employee was an illegal switchblade. The Named Employee accurately reported the knife as a switchblade in the narrative section of the GO, but inaccurately listed it as a folding knife on the Property Report. The Named Employee's explanation was that he did not quite know what to do and only wanted to make certain the knife was not returned to the complainant while not wanting her to be charged with a crime for possession of a switchblade. During the OPA interview, the Named Employee acknowledged he made a mistake in how he listed the knife on the Property Report and would do it differently if he could do it over again.

FINDINGS

Named Employee #1

Allegation #1

The evidence does not support the allegation of excessive force against the Named Employee. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Using Force: Officers Use of Force: When Authorized*.

Allegation #2

The evidence supports the conclusion that, other than *de minimis* force, no reportable force was used on the complainant by the Named Employee. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Use of Force Reporting and Investigation: Officers Shall Report All Uses of Force Except De Minimis Force*.

Allegation #3

The evidence supports that the Named Employee would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Primary Investigations: Officers Shall Document all Primary Investigations on a General Offense Report – All reports must be complete, thorough and accurate*.

Required Training: The Named Employee should receive specific training from his chain of command regarding the proper steps to take when entering an illegal item into evidence for which he does not want a subject to be charged.

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.