



City of Seattle

Office of Police Accountability

December 5, 2017

Chief Kathleen M. O'Toole
Seattle Police Department
PO Box 34986
Seattle, WA 98124-4986

RE: MANAGEMENT ACTION RECOMMENDATION (2017OPA-0387)

Dear Chief O'Toole:

OPA investigated an allegation that a sergeant failed to ensure that a complaint of pain from handcuffs was properly documented and investigated. The subject was handcuffed by officers after his arrest and was placed into a patrol vehicle to be transported to the North Precinct. At that time, and after the handcuffing had already been effectuated, the subject complained of pain from the handcuffs. Two officers heard the complaint of pain and reported it to the Named Employee, who was their sergeant. The Named Employee instructed the officers that a complaint of pain unrelated to the actual act of handcuffing the subject was not a reportable use of force and no documentation needed to be completed. However, the Named Employee's chain of command identified that a Type 1 report should have been generated and directed the Named Employee to ensure that this was done.

OPA interviewed the officers who heard and reported the complaint of pain, as well as the Named Employee. All three of these individuals asserted that SPD policy was unclear as to whether a Type 1 report was required under these circumstances. Specifically, they contended that it was unclear whether the policy only contemplated reporting when the complaint of pain was related to the application of the handcuffing, rather than when the complaint of pain stemmed from the wearing of the handcuffs at some point thereafter.

Most concerning in my opinion, the Named Employee told OPA at his interview that: "At the time of this incident I was under guidance from supervisors and from training that wearing of handcuffs was not a reportable Use of Force, the complaint of pain at that time was not a reportable Use of Force."

I read the policy as requiring that a complaint of pain be reported and documented regardless of when it occurs. My understanding is that this is what is being trained and this is certainly the expectation of the Named Employee's supervisors, as exemplified by a North Precinct-wide email sent by then Acting Captain Kevin Grossman after this incident instructing that reporting should be completed.

I ask that the Department verify with the Training Unit what training is being provided to officers on this issue. If the Training Unit is, in fact, training SPD employees to not report or document complaints of pain from handcuffs are made at some point after the handcuffing, it should cease doing so. Moreover, if this is the case, the Training Unit should provide a Department-wide

corrective training update. Even if, as I suspect, the Training Unit is not providing incorrect training in this regard, the Department should still consider sending a Department-wide reminder that the reporting and documenting of these complaints is expected, and should emphasize this issue at the next scheduled training on this topic.

Thank you very much for your prompt attention to this matter. Please inform me of your response to this recommendation and, should you decide to take action as a result, the progress of this action.

Please also feel free to contact me with any questions or concerns.

Sincerely,



Andrew Myerberg
Director, Office of Police Accountability

cc: Deputy Chief Carmen Best, Seattle Police Department
Assistant Chief Lesley Cordner, Standards and Compliance, Seattle Police Department
Rebecca Boatright, Senior Police Counsel, Seattle Police Department
Fe Lopez, Executive Director, Community Police Commission
Tito Rodriquez, OPA Auditor
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