



## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Closed Case Summary

Complaint Number OPA#2015-0922

Issued Date: 12/30/2015

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 5.002 (6) Employees Must Otherwise Report Misconduct (Policy that was issued 01/01/15)
OPA Finding	<b>Not Sustained</b> (Training Referral)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 8.400 (7) Reviewers Shall Refer Misconduct, Other Than Minor Misconduct, and Potential Criminal Conduct to the OPA (Policy that was issued 01/01/15)
OPA Finding	<b>Not Sustained</b> (Training Referral)
Final Discipline	N/A

Named Employee #3	
Allegation #1	<u>Seattle Police Department Manual</u> 8.400 (7) Reviewers Shall Refer Misconduct, Other Than Minor Misconduct, and Potential Criminal Conduct to the OPA (Policy that was issued 01/01/15)
OPA Finding	<b>Not Sustained</b> (Training Referral)
Final Discipline	N/A

## **INCIDENT SYNOPSIS**

Named employee #1 issued a written reprimand regarding an incident that was referred to the Force Review Board and did not refer the incident to OPA. Named employee #2 and #3 were made aware of the violations and the written reprimand and did not refer the matter to OPA.

## **COMPLAINT**

The complainant, the Force Review Board, alleged that the chain of command in this incident did not properly refer the identified misconduct and policy violations to OPA for investigation.

## **INVESTIGATION**

The OPA investigation included the following actions:

1. Review of the complaint memo
2. Search for and review of all relevant records and other evidence
3. Review of In-Car Videos
4. Interviews of SPD employees

## **ANALYSIS AND CONCLUSION**

The OPA investigation focused on the command review and processing of the use of force incident. Named employee #1 identified performance and training issues with the employee of the force incident and issued a written reprimand as he believed it was within the scope of his authority to do so. However, he did not complete an OPA referral for the policy violation as required. Named employee #2 and #3 accepted the contemporaneous remedial actions of named employee #1 and did not identify any additional policy violations. Named employee #2 and #3 did not see that the policy violation warranted a referral to OPA. All three employees should be shown a copy of current policy 5.002 and 8.400 and be reminded that policy limits the chain of command's authority with respect to handling misconduct to a specific list of potential policy violations in section 5 of Policy 5.002.

## **FINDINGS**

### **Named Employee #1**

#### Allegation #1

The evidence shows that the named employee would benefit from a review of the policy. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Employees Must Otherwise Report Misconduct*.

**Named Employee #2 and #3**

Allegation #1

The evidence shows that the named employees would benefit from a review of the policy.

Therefore a finding of **Not Sustained** (Training Referral) was issued for *Reviewers Shall Refer Misconduct, Other Than Minor Misconduct, and Potential Criminal Conduct to the OPA.*

*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.*