



## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Closed Case Summary

Complaint Number OPA#2016-0425

Issued Date: 02/16/2017

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 11.010 (18) Detainee Management in Department Facilities: Officers Shall Obtain a Sergeant's Authorization for Detentions Over Two Hours (Policy that was issued December 19, 2012)
OPA Finding	<b>Not Sustained</b> (Lawful and Proper)
Allegation #2	<u>Seattle Police Department Manual</u> 11.010 (3) Detainee Management in Department Facilities: Employee Will Take Reasonable Steps to Ensure The Safety of Detainees While in Department Custody (Policy that was issued December 19, 2012)
OPA Finding	<b>Not Sustained</b> (Lawful and Proper)
Allegation #3	<u>Seattle Police Department Manual</u> 11.010 TSK-1 Detainee Management in Department Facilities: Employee Will Take Reasonable Steps to Ensure The Safety of Detainees While in Department Custody (Policy that was issued December 19, 2012)
OPA Finding	<b>Not Sustained</b> (Lawful and Proper)
Final Discipline	N/A

<b>Named Employee #2</b>	
Allegation #1	<u>Seattle Police Department Manual</u> 11.010 (18) Detainee Management in Department Facilities: Officers Shall Obtain a Sergeant's Authorization for Detentions Over Two Hours (Policy that was issued December 19, 2012)
OPA Finding	<b>Not Sustained</b> (Training Referral)
Allegation #2	<u>Seattle Police Department Manual</u> 11.010 (3) Detainee Management in Department Facilities: Employee Will Take Reasonable Steps to Ensure The Safety of Detainees While in Department Custody (Policy that was issued December 19, 2012)
OPA Finding	<b>Not Sustained</b> (Training Referral)
Allegation #3	<u>Seattle Police Department Manual</u> 11.010 TSK-1 Detainee Management in Department Facilities: Securing a Detainee in a Department Holding Cell (Policy that was issued December 19, 2012)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Final Discipline	N/A

<b>Named Employee #3</b>	
Allegation #1	<u>Seattle Police Department Manual</u> 11.010 (18) Detainee Management in Department Facilities: Officers Shall Obtain a Sergeant's Authorization for Detentions Over Two Hours (Policy that was issued December 19, 2012)
OPA Finding	<b>Not Sustained</b> (Inconclusive)
Allegation #2	<u>Seattle Police Department Manual</u> 11.010 (3) Detainee Management in Department Facilities: Employee Will Take Reasonable Steps to Ensure The Safety of Detainees While in Department Custody (Policy that was issued December 19, 2012)
OPA Finding	<b>Not Sustained</b> (Inconclusive)
Allegation #3	<u>Seattle Police Department Manual</u> 11.010 TSK-1 Detainee Management in Department Facilities: Securing a Detainee in a Department Holding Cell (Policy that was issued December 19, 2012)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Final Discipline	N/A

<b>Named Employee #4</b>	
Allegation #1	<u>Seattle Police Department Manual</u> 11.010-PRO-1 Detainee Management in Department Facilities: Reviewing Detainee Log Sheets (Policy that was issued December 19, 2012)
OPA Finding	<b>Not Sustained</b> (Training Referral)
Allegation #2	<u>Seattle Police Department Manual</u> 11.010 (3) Detainee Management in Department Facilities: Employee Will Take Reasonable Steps to Ensure The Safety of Detainees While in Department Custody (Policy that was issued December 19, 2012)
OPA Finding	<b>Not Sustained</b> (Training Referral)
Final Discipline	N/A

<b>Named Employee #5</b>	
Allegation #1	<u>Seattle Police Department Manual</u> 11.010-PRO-1 Detainee Management in Department Facilities: Reviewing Detainee Log Sheets (Policy that was issued December 19, 2012)
OPA Finding	<b>Not Sustained</b> (Training Referral)
Allegation #2	<u>Seattle Police Department Manual</u> 11.010 (3) Detainee Management in Department Facilities: Employee Will Take Reasonable Steps to Ensure The Safety of Detainees While in Department Custody (Policy that was issued December 19, 2012)
OPA Finding	<b>Not Sustained</b> (Training Referral)
Final Discipline	N/A

### **INCIDENT SYNOPSIS**

The Named Employees were involved in arresting and/ or arranging transport for the subject.

### **COMPLAINT**

The complainant, a supervisor within the Department, alleged the Named Employees were all potentially involved in the improper detainee management of a subject. Officers arrested the subject and logged her into a holding cell. No annotations or time checks were made to the log sheet after the subject was signed in. The next day a witness officer noticed the subject in the cell while transporting a different prisoner and reported this to the Named Employees #4 and #5

who had been in the holding cell area screening arrests, but were not aware of the situation with the subject. It was unknown why the subject was not transported, nor why additional Named Employees did not take note of the gaps in the logs sheet regarding the subject while screening other unrelated arrests during the time the subject was in the holding cell.

## **INVESTIGATION**

The OPA investigation included the following actions:

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

## **ANALYSIS AND CONCLUSION**

After properly securing the subject in a holding cell, Named Employee #1 made adequate arrangements for another officer to transport the subject to jail as soon as possible, thereby taking reasonable steps to ensure the safety of the subject. Named Employee #1 had no responsibility for the fact that the subject was in the holding cell over the permitted time.

While the evidence was not sufficient to determine whether or not Named Employee #2 secured Named Employee #3's agreement to transport the subject, it was clear that Named Employee #2 accepted responsibility for the subject from Named Employee #1. It was, therefore, incumbent upon Named Employee #2 to be very clear and certain that another officer (in this case, Named Employee #3) had accepted responsibility for the subject.

Named Employee #2 was not involved in placing the subject in the holding cell.

While it was clear that Named Employee #3 had a discussion with Named Employee #2 about transporting the subject, the evidence was not sufficient to determine whether or not Named Employee #2 secured Named Employee #3's agreement to do so. As a result, clear responsibility regarding the length of time the subject spent in the holding cell could not be assigned to Named Employee #3.

Named Employee #3 was not involved in placing the subject in the holding cell.

Named Employees #4 and #5, both police supervisors, were on-duty during a portion of the extended time the subject was in the holding cell and, as supervisors, were responsible for the welfare of detainees in the holding cells. Named Employees #4 and #5 did not check the logs with sufficient care and/or often enough to notice how long the subject had been in there.

## **FINDINGS**

### **Named Employee #1**

#### Allegation #1

A preponderance of the evidence showed that Named Employee #1 had no responsibility for the fact that the subject was in the holding cell over the permitted time. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Detainee Management in Department Facilities: Officers Shall Obtain a Sergeant's Authorization for Detentions Over Two Hours*.

#### Allegation #2

A preponderance of the evidence showed that Named Employee #1 took reasonable steps to ensure the safety of the subject. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Detainee Management in Department Facilities: Employee Will Take Reasonable Steps to Ensure The Safety of Detainees While in Department Custody*.

#### Allegation #3

A preponderance of the evidence showed that Named Employee #1 properly secured the subject in a holding cell. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Detainee Management in Department Facilities: Securing a Detainee in a Department Holding Cell*.

### **Named Employee #2**

#### Allegation #1

The evidence showed that the Named Employee would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Detainee Management in Department Facilities: Officers Shall Obtain a Sergeant's Authorization for Detentions Over Two Hours*.

**Required Training:** NE#2 needs to have it made very clear to her that she is responsible for the wellbeing and safety of a prisoner. Any arrangements by which another officer is given the care of a prisoner should be documented in some way or cleared with a supervisor.

#### Allegation #2

The evidence showed that the Named Employee would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Detainee Management in Department Facilities: Employee Will Take Reasonable Steps to Ensure The Safety of Detainees While in Department Custody*.

**Required Training:** NE#2 needs to have it made very clear to her that she is responsible for the wellbeing and safety of a prisoner. Any arrangements by which another officer is given the care of a prisoner should be documented in some way or cleared with a supervisor.

### Allegation #3

A preponderance of the evidence showed that Named Employee #2 was not involved in placing the subject in the holding cell. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Detainee Management in Department Facilities: Securing a Detainee in a Department Holding Cell*.

### Named Employee #3

#### Allegation #1

Clear responsibility regarding the length and time the subject spent in the holding cell could not be assigned to Named Employee #3. Therefore a finding of **Not Sustained** (Inconclusive) was issued for *Detainee Management in Department Facilities: Officers Shall Obtain a Sergeant's Authorization for Detentions Over Two Hours*.

#### Allegation #2

Clear responsibility regarding the safety and welfare of the subject could not be assigned to Named Employee #3. Therefore a finding of **Not Sustained** (Inconclusive) was issued for *Detainee Management in Department Facilities: Employee Will Take Reasonable Steps to Ensure The Safety of Detainees While in Department Custody*.

#### Allegation #3

A preponderance of the evidence showed that Named Employee #3 was not involved in placing the subject in the holding cell. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Detainee Management in Department Facilities: Securing a Detainee in a Department Holding Cell*.

### Named Employee #4

#### Allegation #1

The evidence showed that the Named Employee would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Detainee Management in Department Facilities: Reviewing Detainee Log Sheets*.

**Required Training:** Named Employee #4 needs to have it made very clear to him that he has a responsibility as a supervisor for the safety and wellbeing of detainees while he is on duty.

#### Allegation #2

The evidence showed that the Named Employee would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Detainee Management in Department Facilities: Employee Will Take Reasonable Steps to Ensure The Safety of Detainees While in Department Custody*.

**Required Training:** Named Employee #4 needs to have it made very clear to him that he has a responsibility as a supervisor for the safety and wellbeing of detainees while he is on duty.

## **Named Employee #5**

### Allegation #1

The evidence showed that the Named Employee would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Detainee Management in Department Facilities: Reviewing Detainee Log Sheets*.

**Required Training:** Named Employee #5 needs to have it made very clear to him that he has a responsibility as a supervisor for the safety and wellbeing of detainees while he is on duty.

### Allegation #2

The evidence showed that the Named Employee would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Detainee Management in Department Facilities: Employee Will Take Reasonable Steps to Ensure The Safety of Detainees While in Department Custody*.

**Required Training:** Named Employee #5 needs to have it made very clear to him that he has a responsibility as a supervisor for the safety and wellbeing of detainees while he is on duty.

*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.*