



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2014-0588

Issued Date: 05/27/2015

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 8.001 (1) Using Force: When Authorized (Policy that was issued 01/01/14)
OPA Finding	Not Sustained (Lawful & Proper)
Allegation #2	<u>Seattle Police Department Manual</u> 5.001 (9) Professionalism (Policy that was issued 07/16/14)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (2) Adherence to SPD Policies: Domestic Violence Investigations (Policy that was issued 07/16/14)
OPA Finding	Not Sustained (Training Referral)
Final Discipline	N/A

INCIDENT SYNOPSIS

Seattle Police Department officers were dispatched to a report of a domestic disturbance between the complainant and the subject. Once the officers arrived, the complainant became irate and attempted to get the officers to leave without investigating. Named employee #1 entered the home and contacted the subject. The subject, believing that the complainant was being arrested, attempted to get around named employee #1 to reach the complainant. Named employee #1 used force to prevent her from doing so. The complainant remained verbally abusive towards officers for the duration of the incident. Named employee #2 arrived, and after speaking to the subject, decided not to write a report.

COMPLAINT

The complainant alleged that named employee #1 used unnecessary force when he grabbed the subject by her arms. Named employee #2 did not write a report as required by policy.

INVESTIGATION

The OPA investigation included the following actions:

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

ANALYSIS AND CONCLUSION

An officer shall use only the force reasonable, necessary and proportionate to effectively bring an incident or person under control, while protecting the lives of the officer or others. The evidence suggested that the force employed by named employee #1 was brief and near the minimum necessary to keep the subject away from the agitated complainant. Named employee #1 remained calm and unreactive during the entire incident despite the abusive behavior of the complainant. After reviewing the evidence and given the situation, it would have been reasonable to conclude that some domestic disturbance had occurred. Regardless of the explanation of the complainant to named employee #2, named employee #2 should have documented the incident.

FINDINGS

Named Employee #1

Allegation #1

The weight of the evidence showed that the named employee used force that was reasonable and proportionate under the circumstances. Therefore a finding of **Not Sustained** (Lawful & Proper) was issued for *Using Force: When Authorized*.

Allegation #2

The evidence showed that the named employee stayed calm and unreactive while being insulted by the complainant. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Professionalism*.

Named Employee #2

Allegation #1

The evidence showed that the named employee should have documented this incident. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Adherence to SPD Policies: Domestic Violence Investigations*. A Training Referral will allow a supervisor to review the policy with the named employee to ensure that proper documentation is made on future domestic violence situations that the named employee encounters.

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.