



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-0249

Issued Date: 10/25/2016

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 8.400-POL-1 Use of Force Reporting and Investigation: Use of Force – Reporting and Investigation (Policy that was issued September 1, 2015)
OPA Finding	Not Sustained (Training Referral)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employee was assigned as hospital guard to the subject.

COMPLAINT

The complainant, a supervisor within the Department, alleged the Named Employee failed to immediately notify a supervisor when a handcuffed suspect (the subject) in his custody complained that his wrists hurt.

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

The complainant alleged that the Named Employee failed to notify a supervisor in a timely manner of the subject's complaint of pain due to handcuffs. The OPA investigation showed the subject complained directly to the Named Employee that he was experiencing pain from the handcuffs on him. This occurred in the afternoon as the Named Employee was transporting the subject from a hospital to the jail. This complaint of pain was acknowledged verbally by the Named Employee and the conversation recorded by the in-car video of the police car being driven by the Named Employee. The Named Employee delayed reporting this complaint of pain until the evening when he told a supervisor. SPD Policy §8.400-POL-1(2) states, "Officers, including witness officers, will verbally notify a supervisor immediately, unless not practical, following any use of reportable force." Force, including the use of handcuffs, that causes transient pain is defined in this policy as a Type I reportable use of force. At the time the subject informed the Named Employee of the pain, both supervisors in the Named Employee's precinct were logged out to a call and they remained on that call for some time. The preponderance of the evidence showed the Named Employee did not immediately notify a supervisor after the prisoner complained of pain; he waited over three hours to do so. The Named Employee also made no effort to try and reach either supervisor, either over the radio or by phone. It seemed he made the assumption the force reporting was not critical enough to distract them from the call they were on. It also was true the Named Employee made the notification before going off shift. The policy does not define "immediately" and does allow for some delay in notification if not "practical." There was no evidence the Named Employee willfully and unreasonably delayed the notification. His error was one of judgment in deciding not to contact his supervisor earlier. The Named Employee's supervisor immediately counseled the Named Employee regarding his force reporting obligations and the OPA Director agreed this delay in notification was best addressed in that manner.

FINDINGS

Named Employee #1

Allegation #1

There was no evidence the Named Employee willfully and unreasonably delayed the notification. His error was one of judgment in deciding not to contact his supervisor earlier. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Use of Force Reporting and Investigation: Use of Force – Reporting and Investigation*.

Required Training: The Named Employee's supervisor should reinforce their previous counseling of the Named Employee regarding his obligation to notify a supervisor immediately regarding reportable force.

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.