



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-1322

Issued Date: 05/15/2017

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 8.400 (1) Use of Force Reporting and Investigation: Officers Shall Report All Uses of Force Except De Minimis Force (Policy that was issued September 1, 2015)
OPA Finding	Not Sustained (Training Referral)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employee transported a subject from the incident scene to the Precinct.

COMPLAINT

It was alleged that the Named Employee, while conducting an arrest, failed to report Type I force associated with hand-cuffing procedures. During OPA's intake review of the In-Car Video (ICV) it was revealed that the subject was heard saying "you broke my arm," but that complaint was not reported and therefore the underlying force was not able to be investigated by the supervising Sergeant.

INVESTIGATION

The OPA investigation included the following actions:

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

ANALYSIS AND CONCLUSION

The evidence showed that the subject, who was handcuffed and being transported by the Named Employee in the back of his police car, complained to the Named Employee that one of the handcuffs was cutting off circulation. When the Named Employee arrived at the precinct for prisoner screening and processing, the subject's wrist was inspected and photographed by the Named Employee. It appeared the Named Employee may also have mentioned to his supervisor that the subject had stated that the handcuff was cutting off circulation. However, the Named Employee did not complete a Type I Use of Force statement related to a complaint of transient pain due to handcuffs. At issue here was whether the subject's statements about his circulation being cut off by the handcuff, along with his other audible sounds, constituted a "complaint of pain" as described in the policy. The answer to this question was not clear-cut. Constriction of circulation may or may not be accompanied by pain. However, the intent of the policy is to document those cases in which a subject indicates to an officer that the handcuffs are creating a higher level of discomfort than is typically associated with handcuffs and may be an indication of a possible injury or inappropriate application of the handcuffs. Taking this view, the subject's statement that the handcuff was cutting off his circulation, along with the moderate urgency with which he articulated this, probably should have been reported as a Type I Use of Force. However there was no indication the Named Employee was attempting to conceal the subject's statement regarding the handcuff discomfort, and the Named Employee made a good-faith assessment of the situation.

FINDINGS

Named Employee #1

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 *Using Force: Use of Force: When Authorized*.

Required Training: The Named Employee should receive counseling from his supervisor regarding the value of reporting even Type I uses of force to create a record of any complaints of pain by subjects should they later raise an allegation about the incident.

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.