OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-0439

Issued Date: 02/13/2017

Named Employee #1	
Allegation #1	Seattle Police Department Manual 5.001 (9) Standards and Duties: Employees Shall Strive to be Professional at all Times (Policy that was issued April 1, 2015)
OPA Finding	**Sustained**
Allegation #2	Seattle Police Department Manual 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** (Unfounded)
Final Discipline	Ten Day Suspension

INCIDENT SYNOPSIS

The Named Employee responded to a crisis call.

COMPLAINT

The complainant alleged that the Named Employee was rude, disrespectful, and hostile.

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. Interviews of SPD employees

ANALYSIS AND CONCLUSION

The complainant alleged that the Named Employee was rude and disrespectful when he responded to a call for service. The Named Employee responded to the complainant's call of a man (subject) who was possibly in crisis, yelling, screaming and hitting signs with a stick. After the Named Employee contacted the subject, the complainant eventually confronted the Named Employee regarding his failure to stop and talk to him about the call. While interacting with the complainant the Named Employee frequently interrupted him, and was argumentative and dismissive of his concerns. The Named Employee's actions and demeanor only served to escalate the situation; at one point he stepped into the complainant's face causing him to tell the officer to get out of his space. The Named Employee had no legal reason to get so close to the complainant that it made him feel threatened and intimidated. The action did not represent the Seattle Police Department in the manner expected of its officers. The complainant was also confrontational and frequently interrupted the Named Employee. However, this may have been a reaction to the way he was treated. Regardless of the complainant's demeanor, SPD officers are expected to act in a respectful and professional manner. Although the words used by the Named Employee were not in and of themselves offensive, the Named Employee spoke to the complainant throughout the contact in an unprofessional, demeaning and offensive manner.

During the complaint intake, OPA added further allegations that the Named Employee behaved unprofessionally in his interactions with the subject, and that the Named Employee used reportable (Type I) force and failed to screen it with a supervisor as required. The Named Employee was familiar with the subject and had dealt with him for years. In the video the Named Employee was observed first contacting the subject in the alleyway, where he told the subject to go home. The Named Employee drove his patrol car and contacted the subject on another street after the subject hung a tricycle in a tree. During the interaction the Named Employee was loud and authoritarian towards the subject in crisis. This was explained by the Named Employee as the only way to deal with the subject and frequently worked to get him to cooperate. During the interaction the Named Employee told the subject to get his "crazy ass" home because he did not want to deal with that all night. Referring to a person who is mentally ill with derogatory language does nothing to calm the situation, it has a greater likelihood of escalating the behavior even more.

When the Named Employee initially contacted the subject he took hold of the subject's hands and walked him to the patrol car. The subject was bent over the hood then walked to the front of the car where he sat him on the front bumper. The Named Employee stated that he held

both of the subject's hands in one hand and escorted him to the patrol car for the purpose of checking him for weapons. The use of force was captured on ICV and it was not clear whether the force was Type I or de minimis. The subject's upper torso made contact with the hood of the car with some force, but he did not express or utter any complaint of pain. This action by the Named Employee could have been interpreted as a soft take down, a term used in SPD policy when describing reportable Type I force. However, the term "soft take down" is not defined in policy. The Named Employee described the force as de minimis at the most.

FINDINGS

Named Employee #1

Allegation #1

A preponderance of the evidence showed that the Named Employee spoke to the complainant throughout the contact in an unprofessional, demeaning and offensive manner. Therefore a **Sustained** finding was issued for *Standards and Duties: Employees Shall Strive to be Professional at all Times.*

Discipline Imposed: Ten Day Suspension

Allegation #2

A preponderance of the evidence showed that a reasonable officer could conclude that this force was not reportable as defined in SPD policy. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Use of Force Reporting and Investigation: Officers Shall Report All Uses of Force Except De Minimis 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.