



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2014-0036

Issued Date: 03/11/2015

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 8.100 Use of 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 (VII.5) Professionalism: Duty to Identify (Policy that was issued 07/16/14)
OPA Finding	Not Sustained (Lawful & Proper)
Final Discipline	N/A

INCIDENT SYNOPSIS

The named employee was working during the May Day protest. Officers were making an arrest of an armed subject when the complainant approached the named employee. The named employee directed the complainant and others with him to move back. The complainant did not move back and the named employee used his baton to push the complainant back from the officers making the arrest of the armed subject.

COMPLAINT

The complainant alleged that the named employee hit him with a large stick and dented his bicycle during the May Day protest and that the named employee refused to identify himself when asked.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint email
2. Search for and review of all relevant records and other evidence
3. Review of the YouTube Video provided by complainant
4. 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 named employee was attempting to provide space for the officers that were arresting the armed subject. The crowd was pushing closer to the arresting officers. The named employee was giving lawful orders to move back that can be heard repeatedly on the YouTube video. When the complainant did not comply, the named officer used force that was reasonable and proportionate to move the complainant back from the arresting officers. Employees are not required to immediately identify themselves if a police function is being hindered or there is a safety consideration. As the named employee was maintaining a barrier between the protestors and the arresting officers, it was understandable that his attention was focused on safety considerations and not providing his name to the complainant.

FINDINGS

Named Employee #1

Allegation #1

The weight of the evidence showed that the named employees used force that was reasonable and proportionate; therefore a finding of **Not Sustained** (Lawful & Proper) was issued for *Use of Force: When Authorized*.

Allegation #2

The weight of the evidence showed that the named employees focused on safety considerations of the officers arresting an armed subject; a finding of **Not Sustained** (Lawful & Proper) was issued for *Professionalism: Duty to Identify*.

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.