



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2015-1437

Issued Date: 03/14/2016

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 8.100 (1) Using Force: When Authorized (Policy that was issued 01/01/14)
OPA Finding	Not Sustained (Lawful and Proper)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 8.100 (2) Using Force: When Prohibited (Policy that was issued 01/01/14)
OPA Finding	Not Sustained (Lawful and Proper)
Final Discipline	N/A

INCIDENT SYNOPSIS

An officer came across a parked, occupied, stolen vehicle. Responding officers used force to take the suspect into custody.

COMPLAINT

The complainant, a supervisor within the Department, alleged that named employee #1 used force that appeared to be unnecessary after the subject went to the ground on his stomach and spread his arms out. The complaint alleged that named employee #2 used force on a handcuffed subject that may have been prohibited by policy.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of 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 OPA investigation showed that it was appropriate for officers to detain and handcuff the occupant of a reported stolen vehicle. The evidence suggests that the force was not unnecessary. All parties agree the subject was agitated, not compliant with verbal commands, and fighting with officers. The evidence suggests that the force was proportionate. The named employee found themselves arresting a subject who outweighed them significantly. The subject was verbally challenging the officer to a fight and knocked one officer's Taser out of his hand.

FINDINGS

Named Employee #1

Allegation #1

The weight of the evidence showed that named employee #1 used force that was reasonable and proportional to take the complainant into custody. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Using Force: When Authorized*.

Named Employee #2

Allegation #1

The weight of the evidence showed that named employee #2 used force to stop the handcuffed subject's actions to prevent injury. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Using Force: When Prohibited*.

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.