



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2015-1467

Issued Date: 04/08/2016

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 8.200 (1) Use of Force: When Authorized (Policy that was issued 09/01/2015)
OPA Finding	Not Sustained (Lawful and Proper)
Allegation #2	<u>Seattle Police Department Manual</u> 8.400 Use of Force Reporting and Investigation (Policy that was issued 09/01/2015)
OPA Finding	Not Sustained (Training Referral)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 8.400 Use of Force Reporting and Investigation (Policy that was issued 09/01/2015)
OPA Finding	Not Sustained (Lawful and Proper)
Final Discipline	N/A

INCIDENT SYNOPSIS

Named Employee #1 observed a known subject with an outstanding felony warrant. The subject fled from Named Employee #1 when he approached her. Named Employee #1 shoved the subject from behind, resulting in the subject falling to the ground and abrading her knees. The subject was arrested and Named Employee #1 screened the incident with Named Employee #2.

COMPLAINT

The complainant alleged that Named Employee #1 used excessive force when he tackled the subject to the ground which caused injury to the subject's knees.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complainant statement
2. Search for and review of all relevant records and other evidence
3. Review of In-Car Video
4. Interview of SPD employees

ANALYSIS AND CONCLUSION

At the time Named Employee #1 used force on the subject by pushing her in the back as she was running away from the police, he knew she had a felony warrant out for her arrest and reasonably believed she was attempting to escape and actively resisting his efforts to take her into custody. Given the warrant, it was necessary for Named Employee #1 to take reasonable steps to arrest the subject and to use reasonable and proportional force to do so. The force used by Named Employee #1 was probably the least amount he could use and still be reasonably assured she would not escape. Named Employee #1 was aware of several pieces of information all indicating the possibility the subject had been injured as a result of his use of force. Named Employee #1 should have immediately informed his supervisor of this fact. This would have alerted the chain of command that the force used needed to be investigated and reviewed as a higher level of force used. While Named Employee #1 could have done more to communicate with his chain of command in a timely manner, the OPA Director concluded that this omission did not reach to the level of a policy violation, especially since Named Employee #1 thoroughly documented everything in his use of force statement. Based on what Named Employee #2 knew at the time he screened the arrest and the use of force and that he was not aware of the subject's claim of injury, the investigation concluded that he acted reasonably in classifying the use of force used by Named Employee #1.

FINDINGS

Named Employee #1

Allegation #1

The evidence supports that Named Employee #1 used force that was reasonable and proportional to take the subject into custody. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Use of Force: When Authorized*.

Allegation #2

The evidence showed that Named Employee #1 would benefit from additional training on Use of Force Reporting. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Use of Force Reporting and Investigation*.

Required Training: Named Employee #1 should receive specific training from his chain of command regarding the Department's strong interest in properly classifying and investigating any use of force that does or is likely to result in an injury. Named Employee #1 should be reminded of his obligation to immediately notify his chain of command in the event a person upon who force was used claims to be injured.

Named Employee #2

Allegation #1

The evidence showed that based on the information that Named Employee #2 knew at the time supports that he acted reasonably in classifying the type of force used. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Use of Force Reporting and Investigation*.

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.