



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number 2017OPA-0120

Issued Date: 08/10/2017

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 8.200 (1) Using Force: Use of Force: When Authorized (Policy that was issued September 1, 2015)
OPA Finding	Not Sustained (Inconclusive)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employee responded to a call of a suspicious vehicle.

COMPLAINT

The complainant alleged that the Named Employee used excessive force during an arrest when the Named Employee allegedly hit him in the back of the head several times with the palm/ heel of his hand.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint memo
2. Review of In-Car Videos (ICV)
3. Search for and review of all relevant records and other evidence
4. Review of Use of Force documents
5. Interviews of SPD employees

ANALYSIS AND CONCLUSION

On the date in question, SPD officers responded to a call concerning a suspicious, potentially stolen vehicle. After verifying the VIN of the vehicle, it was confirmed stolen. A civilian witness provided the officers with a still photo of the complainant, who had been observed by the witness accessing the vehicle. The officers spotted the complainant walking a bicycle approximately 200 yards from the vehicle. Named Employee #1 told the complainant to come towards the officers and indicated that he was not free to leave, but the complainant began to walk away. Named Employee #1 then issued a command to the complainant to stop, but the complainant got on his bike and began to ride away from the officers in order to evade arrest. Named Employee #1 and another officer chased after the complainant and caught up to him. The other officer tackled the complainant from behind, causing him to fall to the ground and onto his stomach. The other officer fell on top of him. Once the complainant was on the ground, he put his hands under his body. Named Employee #1, who was afraid the complainant was trying to access a weapon, inserted his baton into the area between the complainant's right arm and chest in order to force his right arm out. The complainant then rolled over on his back and balled his hands into fists. Shortly thereafter, the officers moved the complainant back onto his stomach and were eventually able to place him into handcuffs. As a result of his fall to the ground, the complainant suffered an approximate one inch cut to his knee and grazed his head against a chain-link fence.

In an audio-recorded statement made to a Sergeant shortly after his arrest, the complainant alleged that after he was taken down to the ground, he was hit in the head multiple times and that the strikes felt like they were made by the palm of someone's hand.

Named Employee #1 denied striking the complainant in the head, and none of the other officers reported seeing anyone, including Named Employee #1, strike the complainant in the head. In addition, a civilian witness, who also provided an audio-recorded statement, recounted the take down and handcuffing of the complainant, but made no mention of the complainant being struck in the head.

If the complainant's allegation was true, the strikes to the head would not have been reasonable, necessary, and proportional, and would have been outside of policy. However, apart from the complainant's own statement, which is not supported by any of the statements made by the other witnesses to the incident, the OPA Director found no evidence in the record establishing that the strikes did, in fact, occur.

FINDINGS

Named Employee #1

Allegation #1

There was not a preponderance of the evidence either supporting or refuting the allegation. Therefore a finding of **Not Sustained** (Inconclusive) was issued for *Using Force: Use of Force: When Authorized*.

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.