



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2014-0390

Issued Date: 02/11/2015

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

INCIDENT SYNOPSIS

On April 3, 2014, the named employee and three other Seattle Police Department officers responded to a 911 call where the subject was reportedly knocking on apartment doors and yelling in the hallway. When officers arrived, they found the subject unconscious and lying in the apartment building hallway. All of the officers stated that the subject smelled of alcohol and there were open beer containers lying next to the subject. When officer #1 attempted to retrieve identification from the subject, the subject became infuriated and attempted to kick the officer and the named employee. Officer #2 tried to calm the subject by placing a hand on the subject's shoulder. The subject continued to kick and kicked the named employee on the leg. The named employee used his fist to strike the subject twice on the top of his head.

COMPLAINT

The complainant, a supervisor within the Department, alleged that the named employee did not document sufficiently his justification for his use of force and that the force used was excessive.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the use of force packet and the incident
2. Interview of SPD employees

Note: The event was not captured on video since all events occurred inside the apartment building. Audio from all officers is of poor quality and not understandable during the physical encounter with the subject.

ANALYSIS AND CONCLUSION

While the striking of a subject's head is discouraged, an officer may use force that is reasonable, necessary, and proportional to effectively bring an incident or person under control, while protecting the lives of the officers or others. The named employee's actions did stop the subject from kicking at the other officer and at him.

FINDINGS

Named Employee #1

The weight of the evidence showed that the named employee's actions were reasonable, necessary and proportional to bring the subject under control, therefore a finding of **Not Sustained** (Lawful & Proper) for *Use of Force: When Authorized* was issued.

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.