



## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Closed Case Summary

Complaint Number OPA#2015-0801

Issued Date: 12/30/2015

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	<b>Not Sustained</b> (Lawful and Proper)
Allegation #2	<u>Seattle Police Department Manual</u> 5.140 (2) Bias Free Policing (Policy that was issued 01/30/14)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 8.100 (1) Using Force: When Authorized (Policy that was issued 01/01/14)
OPA Finding	<b>Not Sustained</b> (Lawful and Proper)
Allegation #2	<u>Seattle Police Department Manual</u> 5.140 (2) Bias Free Policing (Policy that was issued 01/30/14)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Final Discipline	N/A

<b>Named Employee #3</b>	
Allegation #1	<u>Seattle Police Department Manual</u> 8.100 (1) Using Force: When Authorized (Policy that was issued 01/01/14)
OPA Finding	<b>Not Sustained</b> (Lawful and Proper)
Allegation #2	<u>Seattle Police Department Manual</u> 5.140 (2) Bias Free Policing (Policy that was issued 01/30/14)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Final Discipline	N/A

### **INCIDENT SYNOPSIS**

The named employees responded to a call of a male in crisis who was bleeding in the restroom of a store. The subject had apparently stabbed himself in an effort to remove what he believed was a camera. The restroom area of the store was closed and marked by a sign. The complainant entered the closed area and wanted to use the restroom. The store manager and the named employees told the complainant that the restroom was closed and that it was not safe to enter because of the blood inside. The original subject was being assessed outside of the bathroom door for his injuries. The complainant insisted that he should be allowed to use the restroom and challenged the reason why he could not enter. The complainant was asked to leave the area and the named employees followed him out. The complainant began to yell and accused the named employees of racism. The complainant began to poke his finger at two of the named employees' faces. Named employee #1 believing that he was about to be assaulted used force to take the complainant to the ground. Named employees #2 and #3 assisted with the arrest.

### **COMPLAINT**

The complainant alleged that the named employees refused to let him use a store bathroom and treated him in the manner they did because of his race. It is further alleged that the officers used excessive force in arresting him by throwing him to the ground.

### **INVESTIGATION**

The OPA investigation included the following actions:

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

## **ANALYSIS AND CONCLUSION**

The evidence showed that the named employees completed a use of force statement at the time of the incident. OPA subsequently interviewed the named employees and a civilian witness. The complainant was charged by the City Attorney's Office with obstructing and trespass. The Seattle Municipal Court found that there was probable cause for both charges based on the police reports. The charges were dropped by the City Attorney's Office. The evidence showed that the complainant initiated the encounter with the named employees while they were handling a separate incident at the location. The named employees took the actions they did with the complainant based on his behavior, not his race.

## **FINDINGS**

### **Named Employee #1, #2 and #3**

#### *Allegation #1*

The weight of the evidence showed that the named employees 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*.

#### *Allegation #2*

There was no evidence that showed that the named employees were biased in their actions toward the complainant. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Bias Free Policing*.

*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.*