



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2015-1686

Issued Date: 06/08/2016

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 8.100 (1) Using Force: When Authorized (Policy that was issued 01/01/2014)
OPA Finding	Not Sustained (Lawful and Proper)
Allegation #2	<u>Seattle Police Department Manual</u> 6.010 (1) Arrests: Officers Must Have Probable Cause That a Suspect Committed a Crime in order to Effect an Arrest (Policy that was issued 04/01/2015)
OPA Finding	Not Sustained (Lawful and Proper)
Final Discipline	N/A

INCIDENT SYNOPSIS

Officers responded to an assault scene where they found one victim deceased and one seriously injured. They located the suspect, the complainant, nearby in a tent and attempted to take him into custody. The complainant refused to come out of his tent. The Hostage Negotiation Team and SWAT responded and attempts at negotiations continued for hours. SWAT eventually used less lethal munitions, which were not effective. The complainant ran from his tent. The Named Employee discharged his rifle to prevent the escape of the complainant. The complainant sustained one non-life threatening gun-shot wound, was taken into custody and then transported to a hospital.

COMPLAINT

The complainant alleged that the Named Employee shot and injured him while he was sleeping in a tent and that he was “wrongly accused of a murder.”

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint letter
2. Interview of witness
3. Review of Force Investigation Team (FIT) Major Incident Summary
4. Search for and review of all relevant records and other evidence
5. Interview of SPD employee

ANALYSIS AND CONCLUSION

The OPA investigation found that the Named Employee had reliable information from other officers and supervisors that the complainant had murdered a female living in a tent just yards from where the complainant lived in his tent. The Named Employee was assigned as a rifle officer on the outer perimeter of the scene to prevent the escape of the complainant who was self-barricaded in his own tent. The Named Employee watched as the complainant ran from his tent and did not stop despite appearing to be struck by more than one less-lethal projectile fired at him by other officers. As the complainant ran past the Named Employee and outside the scene to an unlit area known to be inhabited by persons also dwelling in tents and littered with innumerable hard objects, the Named Employee fired one rifle round at the complainant which struck him in the leg. The OPA Director found the preponderance of the evidence supported the reasonableness of the Named Employee's conclusion that the complainant posed an immediate threat to the lives of those towards whom he was running and needed to be stopped to prevent death or serious bodily injury to others. The Named Employee had been told by other officers and supervisors that there was probable cause to arrest the complainant for murder. The evidence supported this conclusion.

FINDINGS

Named Employee #1

Allegation #1

The weight of the evidence showed that the Named Employee used force that was reasonable, necessary, and proportionate. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Using Force: When Authorized*.

Allegation #2

The evidence supported the Named Employee had probable cause in order to effect the arrest of the complainant. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Arrests: Officers Must Have Probable Cause That a Suspect Committed a Crime in order to Effect an Arrest*.

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.