



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-0142

Issued Date: 02/13/2017

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 (Lawful and Proper)
Final Discipline	N/A

Named Employee #2	
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 (Lawful and Proper)
Final Discipline	N/A

Named Employee #3	
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 (Unfounded)
Final Discipline	N/A

Named Employee #4	
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 (Lawful and Proper)
Final Discipline	N/A

Named Employee #5	
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 (Lawful and Proper)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employees responded to a call for service regarding a subject in crisis. While responding to the call, the Named Employees learned that the subject had warrants for his arrest.

COMPLAINT

The complainant alleged that the Named Employees used excessive force when taking his brother into custody.

INVESTIGATION

The OPA investigation included the following actions:

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

ANALYSIS AND CONCLUSION

Based on the preponderance of the evidence, the OPA investigation showed that Named Employee #1 used his fist to punch the subject one time in the ribs. At the time Named Employee #1 delivered this strike, he was pinned under the subject who was grabbing Named Employee #3 around the waist and was actively resisting officers' attempts to take him into custody for outstanding arrest warrants and for punching Named Employee #5 in the head.

Based on the preponderance of the evidence, the OPA investigation showed that Named Employee #2 only used de minimis force to pull the subject's arm into a position where the subject could be handcuffed.

Based on the preponderance of the evidence, the OPA investigation showed that Named Employee #3 did not use force on the subject.

Based on the preponderance of the evidence, the OPA investigation showed that Named Employee #4 used his fist to punch the subject two to four times in the ribs. At the time Named Employee #4 delivered these strikes, Named Employee #1 and Named Employee #3 were pinned under the subject who was grabbing Named Employee #3 around the waist and was actively resisting officers' attempts to take him into custody for outstanding arrest warrants and for punching Named Employee #5 in the head. Named Employee #4 was concerned the subject might attempt to grab Named Employee #3's handgun as the subject's hand was near the weapon as he was grabbing Named Employee #3 around the waist. Named Employee #4 struck the subject once or twice with a fist in the subject's ribcage and then attempted to gain control of the subject. These strikes did not seem to have any effect on the subject, so Named Employee #4 struck him one or two more times in the same area. After this, Named Employee #4 and the other officers were able to gain control over the subject and take him into custody.

Based on the preponderance of the evidence, the OPA investigation showed that Named Employee #5 used his knee to put pressure on the subject's lower back/buttocks in order to assist other officers who were struggling to control the subject and place him into custody. Named Employee #5 removed his knee and let up on the pressure once he perceived that the subject was under control. However, Named Employee #5 quickly realized that the subject was still struggling with the officers, so he (Named Employee #5) displayed his Taser and threatened

to use it against the subject. Named Employee #5 did not actually deploy the Taser or use it against the subject.

FINDINGS

Named Employees #1, #2, #4, and #5

Allegation #1

Given the totality of the circumstances, including the subject's assaultive and physically resistive behavior and the position of two officers underneath the combined body weight of the subject and other officers, the OPA Director found the force used by Named Employees #1, #2, #4, and #5 to be reasonable, necessary and proportional. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Using Force: Use of Force: When Authorized*.

Named Employee #3

Allegation #1

A preponderance of the evidence showed that Named Employee #3 did not use force on the subject. Therefore a finding of **Not Sustained** (Unfounded) 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.