



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2014-0670

Issued Date: 05/27/2015

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 8.200 (10) Use of Force Tools: Neck and Carotid Restraints (Policy that was issued 01/01/14)
OPA Finding	Not Sustained (Unfounded)
Allegation #2	<u>Seattle Police Department Manual</u> 8.100 (1) Using Force: When Authorized (Policy that was issued 01/01/14)
OPA Finding	Not Sustained (Lawful & Proper)
Final Discipline	N/A

INCIDENT SYNOPSIS

The named employee and another officer stopped the complainant as he was driving his car, knowing that the complainant had an active warrant for his arrest. The complainant stopped his car, exited, and ran from the officers. The officers ran after the complainant and caught up with him. A struggle ensued in which the named employee stated he struck the complainant in the face.

COMPLAINT

The complainant alleged that the named employee unnecessarily punched him in the face and that he was choked, which restricted his airway.

INVESTIGATION

The OPA investigation included the following actions:

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

ANALYSIS AND CONCLUSION

An officer shall only use the force reasonable, necessary, and proportionate to effectively bring an incident or person under control, while protecting the lives of the officer or others. Reviewing the evidence and taking the totality of circumstances into consideration, the force used by the named employee when he struck the complainant in the face was reasonable and proportionate. The complainant had fled from officers and had resisted their efforts to place him into handcuffs. There is no evidence that that named employee choked the complainant. The In-Car Video audio captured that the complainant saying "Stop choking me man!" but the named employee had been holding the complainant down on the ground by the shoulder.

FINDINGS

Named Employee #1

Allegation #1

There was no evidence that the named employee choked or touched the neck or throat of the complainant. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Use of Force Tools: Neck and Carotid Restraints*.

Allegation #2

The weight of the evidence showed that the named employee used force that was reasonable, necessary and proportionate in getting the complainant under control. Therefore a finding of **Not Sustained** (Lawful & Proper) was issued for *Using 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.