



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2015-1566

Issued Date: 04/22/2016

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 8.100 (1) Use of Force: When Authorized (Policy that was issued 01/01/2014)
OPA Finding	Not Sustained (Inconclusive) with a Training Referral
Final Discipline	N/A

INCIDENT SYNOPSIS

An officer saw a naked male (the subject) assaulting another male. The subject sat down in a bus stop where officers made contact with him. The subject immediately tried to flee. Officers grabbed the subject who went to the ground and continued to struggle. The Named Employee punched the subject in the head during the struggle.

COMPLAINT

The complainant, the Force Review Board, alleged that the Named Employee used force that was not reasonable, necessary or proportional, and was not consistent with SPD policy.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint memo
2. Search for and review of all relevant records and other evidence
3. Review of In-Car Video (ICV)
4. Interview of SPD employees

ANALYSIS AND CONCLUSION

The OPA investigation found that the subject was seen assaulting another person by a Seattle Police Department Sergeant. The Named Employee was one of the officers who responded to the scene. The officers were going to detain the subject to determine what was going on when the subject attempted to flee. Officers attempted to handcuff the subject but were unable to. The Named Employee told the subject that if he did not get his hands out, that he would be punched in the face. The Named Employee punched the subject once in the face. During his interview, the Named Employee told OPA the subject was actively assaulting officers by trying to grab their uniforms. The Named Employee was concerned the subject might be able to hurt or overpower the officers as he was exhibiting an unusual amount of strength and stamina for his size. The Named Employee's chain of command provided additional information concerning the inherent medical risk face by persons in a state of "Excited Delirium." In these instances, it is of critical importance to control the subject immediately so that they can receive medical treatment. While the Named Employee had not clearly and fully articulated during his OPA interview that he punched the subject because of a potentially emergent medical crisis, there is sufficient evidence in the case to believe that this may have been one of the factors on the Named Employee's mind when he punched the subject. The OPA Director remains concerned about the Named Employee's potential reliance on face-punching as a force option to gain the compliance of resistive subjects.

FINDINGS

Named Employee #1

Allegation #1

A preponderance of the evidence does not exist to either prove or disprove that the Named Employee used force that was not reasonable, necessary or proportional. Therefore a finding of **Not Sustained** (Inconclusive) with a Training Referral was issued for *Use of Force: When Authorized*.

Required Training: The Named Employee should receive additional training to help him consider and utilize a wider range of force options to overcome resistance when feasible and appropriate.

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.