



## OFFICE OF POLICE ACCOUNTABILITY

### Closed Case Summary

Complaint Number 2017OPA-0336

Issued Date: 09/22/2017

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	<b>Not Sustained</b> (Unfounded)
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	<b>Not Sustained</b> (Unfounded)
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	<b>Not Sustained</b> (Unfounded)
Final Discipline	N/A

## **INCIDENT SYNOPSIS**

A call for an in-progress burglary went out, and the suspect's description was broadcasted to officers. The Named Employees responded to the vicinity of the burglary and contacted the complainant's son.

## **COMPLAINT**

The complainant alleged the Named Employees used excessive force on his son when they arrested him for a burglary.

## **INVESTIGATION**

The OPA investigation included the following actions:

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

## **ANALYSIS AND CONCLUSION**

Manual Policy 8.200(1) requires that force used by officers be reasonable, necessary and proportional. Whether force is reasonable depends "on the totality of the circumstances" known to the officers at the time of the force and must be balanced against "the rights of the subject, in light of the circumstances surrounding the event." The policy lists a number of factors that should be weighed when evaluating reasonableness. Force is necessary where "no reasonably effective alternative appears to exist, and only then to the degree which is reasonable to effect a lawful purpose." Lastly, the force used must be proportional to the threat posed to the officer.

Here, the complainant stated that he was told by his son (the subject) he "had been eaten by Seattle Police." The complainant then initiated this complaint. The OPA Director found the allegation that the subject was "beaten" by the Named Employees to be without any factual basis.

As indicated above, the Named Employees had reasonable suspicion and, later, probable cause to believe that the subject was involved in an active burglary. As such, there was a legal basis to place the subject under arrest and to handcuff him. The subject, while handcuffed, attempted to flee. In doing so, he tripped and fell to the ground. The officers did not cause him to fall and, in fact, were responsible for slowing his descent and minimizing any injuries. Aside from the handcuffing, which was de minimis force, the Named Employees did not use any other force on the subject. He was not struck, pushed or otherwise "beaten" by any officer, let alone by the Named Employees. Notably, the entirety of the subject's interaction with the Named

Employees was captured on ICV and this served as conclusive proof that the subject was not subjected to excessive force.

## **FINDINGS**

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

#### Allegation #1

The preponderance of the evidence showed that the subject was not subjected to excessive force. 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.*