



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-0266

Issued Date: 10/20/2016

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

INCIDENT SYNOPSIS

The Named Employee was dispatched to a report of property damage.

COMPLAINT

The complainant, a supervisor within the Department, reported that the subject alleged the Named Employee used excessive force during his arrest by pushing his face against a window.

INVESTIGATION

The OPA investigation included the following actions:

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

ANALYSIS AND CONCLUSION

The complainant reported that the subject alleged the side of his face was pushed into a building while he was being handcuffed by the Named Employee, causing injury. The preponderance of the evidence showed the Named Employee did not use reportable force while arresting the subject for Domestic Violence. The subject submitted to compliant handcuffing, was escorted to the patrol car and transported to the South Precinct. While being interviewed by the complainant, the subject alleged that the Named Employee pushed his face against the vehicle. When the complainant said she would check the ICV he changed his accusation to say he was pushed against the apartment window. The complainant properly referred the allegation of excessive force to OPA. The subject did not respond to OPA's request for an interview so the investigator was forced to rely on the complainant's initial interview and available evidence. Statements from the Named Employee and accompanying officers were consistent in their description of the arrest as uneventful. ICV did not capture video of the arrest but there was audio recording available. The audio of the arrest appeared to be congenial with the Named Employee and the subject laughing and talking. There was nothing to indicate that the Named Employee used force during the arrest or that the complainant was not compliant.

FINDINGS

Named Employee #1

Allegation #1

There is nothing to indicate that the Named Employee used force during the arrest. Therefore a finding of **Not Sustained** (Lawful and Proper) 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.