



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-0291

Issued Date: 10/25/2016

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 assigned as hospital guard to the subject.

COMPLAINT

The complainant, a supervisor within the Department, reported that a member of the community (the subject) alleged that the Named Employee unnecessarily grabbed her when he guided her out of the street.

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 Named Employee grabbed her by the arm and that this use of force was unreasonable. The subject stated that the Named Employee should have given her a specific verbal command so she could voluntarily comply, rather than grab her arm. The preponderance of the evidence showed the Named Employee and another officer were seated in an unmarked SPD vehicle just inside a containment zone set up for a police operation. A sidewalk nearby was blocked with yellow tape with the words "POLICE – DO NOT CROSS" printed on the tape. The subject and a companion walked out into the street to get around the yellow tape and enter the restricted area. The Named Employee told the two the sidewalk was closed, but they continued into the street and around the barrier. The Named Employee then got out of his car and approached the subject, placing his hand onto her arm and guiding her out of the containment zone. No further force was used and the subject made no claim of pain or injury. Given the subject's entry into an area clearly marked as restricted and the Named Employee's presence and verbal statement regarding the closed sidewalk, it was reasonable for the Named Employee to place his hand on her arm and guide her back to an area where she was permitted to be.

FINDINGS

Named Employee #1

Allegation #1

The evidence showed that it was reasonable for the Named Employee to place his hand on her arm and guide her back to an area where she was permitted to be. 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.