



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-1313

Issued Date: 05/10/2017

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	Not Sustained (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	Not Sustained (Unfounded)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employees arrested the complainant.

COMPLAINT

The complainant alleged that the Named Employees "banged" his head "over and over" while arresting him. The complainant later alleged that the Named Employees struck his head on the curb three times.

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 preponderance of the evidence did not support this allegation. The audio recordings from the two officers' ICV did not record any sounds or cries from the complainant that would be consistent with having his head banged against the concrete. The complainant could be heard to say "ow," but this was uttered in a manner more consistent with discomfort from the efforts of the two officers to overcome the complainant's resistance and keep him down on the ground than from having his head banged on the ground. Also, the abrasion to the left side of the complainant's face was more consistent with his face rubbing on the ground as he moved about and was held down than with having his head repeatedly banged on the ground. This latter action (head banging) would have likely produced significant swelling, contusions, gashes or lacerations from the skin of the face splitting between the hard ground and the complainant's facial bones or skull. Finally, both Named Employee #1 and Named Employee #2 gave consistent accounts of the force they used and the resistance offered by the complainant, accounts which were consistent with the physical evidence and the ICV audio. The OPA Director found the Type II force used by Named Employee #1 and Named Employee #2 was consistent with SPD Policy 8.200(1), a finding that typically would result in a recommendation for a finding of Not Sustained (Lawful and Proper). However, because the complainant alleged that Named Employee #1 and Named Employee #2 repeatedly banged the complainant's head on the ground, an allegation shown by the evidence to be completely false, the OPA Director believed a finding of Not Sustained (Unfounded) was more appropriate.

FINDINGS

Named Employees #1 and #2

Allegation #1

A preponderance of the evidence showed that the force used by Named Employee #1 and Named Employee #2 was consistent with SPD Policy. 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.