



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2014-0745

Issued Date: 08/20/2015

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 8.100 Use of Force: When Authorized (Policy that was issued 01/01/14)
OPA Finding	Not Sustained (Training Referral)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 8.100 Use of Force: When Authorized (Policy that was issued 01/01/14)
OPA Finding	Not Sustained (Training Referral)
Final Discipline	N/A

INCIDENT SYNOPSIS

The named employees contacted the subjects as they were suspected of drinking alcohol out of open containers on the public sidewalk. They told the subjects that it was not legal to drink in public, even if it is concealed. During the contact, friends of the subjects intervened to determine what was occurring. The situation escalated quickly and the named employees used force to arrest on one of the subjects for Investigation of Assault. Three other subjects were arrested for obstruction. The incident was investigated by the Force Investigation Team (FIT).

COMPLAINT

The complainant, a supervisor within the department, alleged that the named employees did not employ any de-escalation techniques, possibly resulting in an unnecessary use of force.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint email
2. Search for and review of all relevant records and other evidence
3. Interview of subjects
4. Interviews of SPD employees

ANALYSIS AND CONCLUSION

Once a bystander attempted to physically interfere with named employee #1's detention of another subject, the force used by both named employees to arrest the bystander and defend themselves was reasonable, necessary and proportional. However, the decisions made and tactics employed prior to that moment were deficient. Named employee #2 decided to address an open container violation in the midst of a large and obviously intoxicated crowd late at night in an area known to have frequent alcohol-fueled fights and disturbances and large crowds who can be actively hostile toward the police. With only named employee #1 as backup, named employee #2 reacted to the argumentative response of the person with the open container by attempting to physically grab the container. At this point named employee #1 interjected himself into the matter by reaching past named employee #2 and physically escorting the detained subject over toward the police car. When a bystander rushed up to named employee #1 and slapped his hand away from the detainee, named employee #1 began shouting at the bystander, let the detainee go, and took hold of the bystander. The situation escalated rapidly as more subjects became physically involved and the detained bystander resisted violently. The named employees needed to put out a "help the officer" call to deal with the extremely volatile and dangerous situation. Setting aside the clearly indefensible actions of those who assaulted and interfered with the officers, both the named employees put themselves in a position where, when they encountered unexpected defiance and resistance, they needed to use more force to protect themselves than had they used different tactics or had additional officers for cover and crowd management. In addition, both officers missed opportunities to attempt verbal de-escalation techniques to keep the situation from getting out of control.

FINDINGS

Named Employee #1 and #2

Allegation #1

The evidence showed that the named employees should have used de-escalation tactics in addressing this incident; however, the training had not yet been available. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Use of Force: When Authorized*.

At the time this incident took place, the Department had not yet provided these or any of its officers with focused, hands-on de-escalation training. Had the named employees received such training prior to this incident, it is possible that a Sustained finding recommendation would have been appropriate. Such training is now being delivered to all sworn SPD employees. Both of the named employees should immediately complete the eight-hour course "Tactical De-Escalation/Firearms Individual Skills", if they have not already. In addition, each officer's supervisor should provide coaching on tactics for safely de-escalating and handling situations such as the one encountered during this incident. In preparation for such counseling, their supervisors should look for patterns or recurring behavior in past use-of-force incidents involving each officer.

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.