



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2015-1898

Issued Date: 07/01/2016

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 09/01/2015)
OPA Finding	Not Sustained (Lawful and Proper)
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 09/01/2015)
OPA Finding	Not Sustained (Lawful and Proper)
Allegation #2	<u>Seattle Police Department Manual</u> 5.001 (9) Employees Shall Strive to be Professional at all Times (Policy that was issued 04/01/2015)
OPA Finding	Not Sustained (Training Referral)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employees finished working their work shift and were leaving a public park. The Named Employees were in plain clothes. They observed a subject shove a male who was walking on the sidewalk with his family. It appeared that the subject was “picking” a fight with

the male. Named Employee #2 advised the subject that he was a Seattle Police Officer and that he could not assault people. The subject asked what the officers could do about it. Named Employee #2 replied that he could put him into jail. The subject threw his backpack and his hat to the ground and then punched Named Employee #2 in the face. Both Named Employees took the subject to the ground and arrested him.

COMPLAINT

The complainant, a supervisor within the Department, alleged that the Named Employees used excessive force when arresting a subject. The complainant further alleged that Named Employee #2 used profanity and was unprofessional when speaking with the subject.

INVESTIGATION

The OPA investigation included the following actions:

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

ANALYSIS AND CONCLUSION

Named Employee #1 and Named Employee #2 had finished their shifts and were walking in a public park dressed in plain clothes. They observed the subject assault another person. Named Employee #2 spoke to the subject and told him not to do that. Named Employee #2 identified himself as a police officer and displayed his SPD badge and holstered gun. The subject became argumentative and punched Named Employee #2 in the face. Named Employee #1 and Named Employee #2 took the subject to the ground. The subject resisted the two officers' attempts to control him and tried to punch the officers as he lay on his back. Named Employee #1 used body weight pressure and hand holds to assist Named Employee #2 with getting the subject into custody. Named Employee #2 then struck the subject in the face and head two or more times with his closed fist. Named Employee #2 told OPA the purpose of these strikes was to get the subject to stop attacking the two officers and become compliant. Named Employee #2 also used body weight and hand holds to help Named Employee #1 get the subject into custody.

Named Employee #2 called the subject a derogatory term. This took place after the situation was completely under control while the subject was being evaluated by Seattle Fire for the injuries he sustained. There was no legitimate law enforcement purpose for directing this derogatory term at the subject. This was a violation of SPD Policy and did not reflect positively on the professionalism of Name Employee #2. It also took place shortly after the subject had

attacked Named Employee #2 without warning and punched him in the face. Without excusing Named Employee #2's unprofessional speech, it is understandable that Named Employee #2 was angry with how the subject had treated him. In addition, Named Employee #2 had been off-duty and had only become involved out of concern for the safety and security of the public in the park. As a result of this initiative, the subject had assaulted and injured him.

FINDINGS

Named Employee #1

Allegation #1

The evidence supports that Named Employee #1 used force that use of force to be reasonable, necessary and proportional. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Using Force: Use of Force: When Authorized*.

Named Employee #2

Allegation #1

The evidence supports that Named Employee #2 used force that use of force to be reasonable, necessary and proportional. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Using Force: Use of Force: When Authorized*.

Allegation #2

The evidence supports that Named Employee #2 would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Employees Shall Strive to be Professional at all Times*.

Required Training: Named Employee #2 should receive a specific reminder from his chain of command of the importance of being professional at all times and of avoiding the use of derogatory or disparaging terms when referring to others.

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.