



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2015-1904

Issued Date: 06/28/16

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

INCIDENT SYNOPSIS

Officers were dispatched to a threats call. Upon arrival, officers contacted the suspect. The suspect fought with the officers and the Named Employee used force, specifically punches, to affect the arrest.

COMPLAINT

The complainant, a civilian bystander, alleged that it was not necessary for the Named Employee to punch a suspect while taking him into custody.

INVESTIGATION

The OPA investigation included the following actions:

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

ANALYSIS AND CONCLUSION

The allegation was that the Named Employee used unnecessary, unreasonable and/or not proportional force, specifically by punching a subject multiple times in the torso. The preponderance of the evidence from the investigation shows that the subject was being lawfully detained while the Named Employee and his cover officer investigated a reported threat. The subject attempted to leave the area and actively resisted the two officers' efforts to detain him. As the subject became increasingly resistive and aggressive, the officers forced him to the ground. As the subject continued to physically resist the officers' efforts to handcuff him, he began kicking at them and then bit the Named Employee's hand. The subject rolled on his side so his mouth was near the Named Employee. After giving the subject commands to flatten back onto his stomach, which were not followed, the Named Employee punched the subject in the ribs two times. The subject did not flatten as ordered and continued to struggle and resist. The Named Employee repeated his order, punched the subject again in the ribs and waited for him to comply. When the subject did not comply and continued to struggle with the two officers and others who were arriving to assist, the Named Employee repeated his command and struck the subject again in the side. With the assistance of the additional officers, the Named Employee and his cover officer were finally able to get the subject handcuffed and under control. The OPA Director found the Named Employee's use of force (punches to the subject's side) reasonable and necessary to complete a lawful arrest (for assault of the officers, including the bite), overcome the subject's resistance and prevent him from biting the Named Employee again. Given the level of the subject's physical resistance and the felonious assault (bite) he committed and was threatening to commit again, the punches by Named Employee to the subject's side were proportional and not excessive.

FINDINGS

Named Employee #1

Allegation #1

The evidence showed that the Named Employee used force that was reasonable and necessary to take the complainant into custody. Therefore a **Not Sustained** (Lawful and Proper) finding 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.