



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-0887

Issued Date: 02/01/2017

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 (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 September 1, 2015)
OPA Finding	Not Sustained (Lawful and Proper)
Final Discipline	N/A

Named Employee #3	
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

Named Employee #4	
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 Employees responded to a shoplift incident.

COMPLAINT

A subject was suspected of shoplifting, tackled and held down by store security. SPD officers responded and the subject was restrained and placed into handcuffs by the Named Employees. It was determined that no crime had been committed and the subject was subsequently released from the scene. The subject complained of pain to his legs during the arrest and sustained visible abrasions. The subject complained of excessive force and said, "It was excessive force. I was overwhelmed. I think you were just like hurting my whole body."

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. Interview of SPD employee

ANALYSIS AND CONCLUSION

Named Employee #1 and #2 used de minimis force to control an actively struggling subject, grab his arms, hold him down on the ground and get him handcuffed. Named Employees #1 and #2 used only hands and body weight and did not use any strikes, kicks, Taser, or O.C.

Named Employee #3 used Type 1 force to keep the struggling subject from kicking and, in coordination with Named Employee #4, controlled the subject's legs and feet with a "figure four" leg-fold which caused the subject to complain of pain. There was no evidence to indicate an injury resulted from that technique.

FINDINGS

Named Employee #1, #2, #3, and #4

Allegation #1

A preponderance of the evidence showed that given the level of physical resistance and struggling by the subject, the force applied was reasonable, necessary and proportional.

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.