



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-1260

Issued Date: 04/07/2017

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)
Allegation #2	<u>Seattle Police Department Manual</u> 5.140 (2) Bias-Free Policing: Officers Will Not Engage in Bias-Based Policing (Policy that was issued August 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 (Lawful and Proper)
Allegation #2	<u>Seattle Police Department Manual</u> 5.140 (2) Bias-Free Policing: Officers Will Not Engage in Bias-Based Policing (Policy that was issued August 1, 2015)
OPA Finding	Not Sustained (Unfounded)
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)
Allegation #2	<u>Seattle Police Department Manual</u> 5.140 (2) Bias-Free Policing: Officers Will Not Engage in Bias-Based Policing (Policy that was issued August 1, 2015)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employee contacted the subject in a stairwell.

COMPLAINT

The complainant alleged that the Named Employees roughed him up when they arrested him. The Complainant made statements such as "Black Lives Matter" and "I'm black" to the screening supervisor.

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

The preponderance of the evidence from this investigation showed that Named Employees #1, #2, and #3 used only de minimis force in controlling and assisting with handcuffing the complainant. This force was reasonable, necessary and proportional given that the complainant was being arrested for a warrant and violation of a No Contact Order, and had offered initial minor muscle tension resistance to being handcuffed. The evidence supported the conclusion that any pain or injuries suffered by the complainant were not a result of the force used by the officers, but most likely resulted from the complainant falling or dropping from a second story window.

There was no evidence found in this investigation to support the allegation that Named Employee #1, #2, or #3 acted with bias in their decision to arrest the complainant or in any other aspect of their contact with the complainant. The officers were dispatched to the incident on a report of the complainant in the act of violating a No Contact Order. The Named Employees had access to a description and photo of the complainant showing distinctive facial tattoos. In addition, the Named Employees were aware that the complainant had an active warrant for his arrest.

FINDINGS

Named Employees #1, #2, and #3

Allegation #1

The preponderance of the evidence showed that Named Employees #1, #2, and #3 used only de minimis force in controlling and assisting with handcuffing the complainant. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Using Force: Use of Force: When Authorized*.

Allegation #2

There was no preponderance of evidence to support the allegation that Named Employee #1, #2, or #3 acted with bias in their decision to arrest the complainant or in any other aspect of their contact with the complainant. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Bias-Free Policing: Officers Will Not Engage in Bias-Based Policing*.

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.