



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-1455

Issued Date: 07/10/2017

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> 8.400 (1) Use of Force Reporting and Investigation: Officers Shall Report All Uses of Force Except De Minimis Force (Policy that was issued September 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> 8.400 (1) Use of Force Reporting and Investigation: Officers Shall Report All Uses of Force Except De Minimis Force (Policy that was issued September 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> 8.400 (1) Use of Force Reporting and Investigation: Officers Shall Report All Uses of Force Except De Minimis Force (Policy that was issued September 1, 2015)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employees responded to a possible court order violation involving the complainant.

COMPLAINT

The complainant alleged that the Named Employees pushed and slammed her head into the ground. OPA's review of the In-Car Video (ICV) from the incident indicated that the complainant complained about pain while being arrested, which was a Type I reportable of force and it appeared there were no use of force reports generated for this incident.

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. Interviews of SPD employees

ANALYSIS AND CONCLUSION

The preponderance of evidence from the OPA investigation showed that Named Employees #1, #2, and #3 used only de minimis force during this incident. This force was reasonable, necessary and proportionate given the totality of the circumstances to control the subject during a lawful detention.

The preponderance of evidence from the OPA investigation showed that Named Employee #1 used only de minimis force during this incident. As such, he was not required to report this.

The preponderance of evidence from the OPA investigation showed that Named Employees #2 and #3 used only de minimis force during this incident and were not aware that the subject may have made a complaint of pain during the incident. As such, they were not required to report this.

FINDINGS

Named Employee #1

Allegation #1

The preponderance of evidence showed that Named Employee #1 used only de minimis force during this incident. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Using Force: Use of Force: When Authorized*.

Allegation #2

A preponderance of evidence showed that Named Employee #1 used only de minimis force during this incident, and was not required to report this. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Use of Force Reporting and Investigation: Officers Shall Report All Uses of Force Except De Minimis Force*.

Named Employees #2 and #3

Allegation #1

The preponderance of evidence showed that Named Employees #2 and #3 used only de minimis force during this incident. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Using Force: Use of Force: When Authorized*.

Allegation #2

A preponderance of evidence showed that Named Employees #2 and #3 used only de minimis force during this incident and were not aware that the subject may have made a complaint of pain during the incident. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Use of Force Reporting and Investigation: Officers Shall Report All Uses of Force Except De Minimis Force*.

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.