



OFFICE OF POLICE ACCOUNTABILITY

Closed Case Summary

Complaint Number 2017OPA-0286

Issued Date: 09/15/2017

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

INCIDENT SYNOPSIS

The complainant approached the Named Employees while they were arresting another subject and looking for evidence

COMPLAINT

The Force Review Board (FRB) conducted a review of this incident, and during the review process, certain statements made by the complainant during his recorded interview implied that he was making an excessive or unnecessary force complaint.

It was unclear to the Board against whom the complaint was being made against or if the subject was even making a specific Use of Force complaint. The FRB was not the complainant in this incident and was only forwarding the possible complaint being made by the subject. The FRB specifically approved the force applied in this case as being necessary, reasonable and proportional.

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 complainant alleged that officers used excessive force during his arrest by chest bumping him and punching him. The complainant did not specify which officers used excessive force and did not participate in this investigation. A review of the incident revealed that Named Employee #1 and Named Employee #2 used force during the arrest of the subject therefore OPA named these two employees. The incident was thoroughly investigated by Force Investigation Team due to the severity of the injuries to the officers. The investigation showed that the complainant aggressively approached the officers while they were arresting another subject and looking for evidence. He was ordered to leave but refused; as he was engaging in a verbal exchange with the officers, the complainant became increasingly hostile towards the officers so they placed themselves between the complainant and the subject of the arrest. The complainant pushed Named Employee #2 and when Named Employee #1 went to assist, the complainant punched him in the head causing injury. Named Employee #1 delivered a strike to the complainant's face. The officers took the subject to the ground, pulled his hands behind his back and handcuffed him. Based on the level of aggression displayed by the complainant and the assault on the officers the force used was reasonable, necessary and proportionate.

FINDINGS

Named Employees #1 and #2

Allegation #1

The preponderance of the evidence showed that the force used was reasonable, necessary and proportionate. 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.