



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2014-0589

Issued Date: 03/26/2015

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 8.100 Use of Force: When Authorized (Policy that was issued 01/01/14)
OPA Finding	Not Sustained (Lawful & Proper)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 8.100 Use of Force: When Authorized (Policy that was issued 01/01/14)
OPA Finding	Not Sustained (Lawful & Proper)
Final Discipline	N/A

INCIDENT SYNOPSIS

The named employees responded to a business to investigate threats allegedly made by the complainant. The individual to whom the threats were made stated he believed that the complainant would carry out the threats. The named employees placed the complainant under arrest. When the complainant did not comply and actively resisted the officers' efforts to handcuff him the named employees used force to take the complainant into custody.

COMPLAINT

The complainant alleged that he was punched in the face and his wrists were twisted unnecessarily when he was being taken into custody.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint memo
2. Search for and review of all relevant records and other evidence
3. Review of In-Car Videos
4. Interviews of SPD employees

ANALYSIS AND CONCLUSION

The named employees had lawful authority to arrest the complainant and the complainant did not want to be taken into custody. The complainant actively resisted the named employees' attempt to get him under control. While only a portion of the arrest was captured by In-Car Video, based on witness statement, it seems more than likely the complainant grabbed named employee #1 around the neck. In light of this, it was reasonable for named employee #1 to fear for his safety and punch the complainant in order to stop the attack. The complainant was taken to the ground and placed into cuffs. The use of force by the named employees was reasonable, necessary and proportionate given the circumstances.

FINDINGS

Named Employee #1 and #2

The weight of the evidence showed that the force used by the named employees was reasonable, necessary and proportionate given the circumstances; therefore a finding of **Not Sustained** (Lawful & Proper) was issued for *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.