



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2015-0105

Issued Date: 08/12/2015

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

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

Named Employee #3	
Allegation #1	<u>Seattle Police Department Manual</u> 8.100 (1) Using Force: When Authorized (Policy that was issued 01/01/14)
OPA Finding	Not Sustained (Lawful and Proper)
Final Discipline	N/A

INCIDENT SYNOPSIS

The named employees responded to a 911 call that reported a “transient playing with a hand gun, not pointing it at anyone”. The responding officers saw a male matching the description given by the caller. Named employees #2 and #3 attempted to contact the male, the suspect, while another officer searched the area where the suspect had been reported to have been standing. That officer found a handgun lying on the ground and informed named employees #1, #2 and #3 of this fact. The named employees attempted to detain the suspect but he ran from them. A foot pursuit ensued and named employee #2 chased on his police bicycle. Named employee #2 attempted to dismount his bicycle, which slid into the suspect’s feet, causing the suspect to fall to the ground. The inadvertent take down occurred on a very steep slope. The named employees attempted to control the suspect, however, the suspect kicked named employee #1 forcefully in the chest causing him to flip backwards downhill. The named employees used reportable force to take the suspect into custody. The suspect was booked into jail and the handgun turned out to be a realistic looking pellet gun.

COMPLAINT

The complainant, a supervisor within the department, alleged that the force used by the named employees was “excessive”. It is further alleged that the reports do not fully explain the unfolding of events and justification for the force used.

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. Interviews of SPD employees

ANALYSIS AND CONCLUSION

An officer shall use only the force reasonable, necessary, and proportionate to effectively bring an incident or person under control, while protecting the lives of the officer or others. The named employees were investigating what they believed to be a weapons call on a busy downtown street. When they approached the subject, he ran. Officers used physical force to detain the subject. During the effort to control the subject, he kicked one of the named employees in the chest knocking the officer backwards. The evidence showed that the three named employees used reasonable and proportional physical force to arrest the subject. This use of force was reported following SPD policy.

FINDINGS

Named Employee #1, #2 and #3

The weight of the evidence showed that the named employees used force that was reasonable and proportional. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Using 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.