



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2015-1549

Issued Date: 04/08/2016

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 8.200 (1) Using Force: When Authorized (Policy that was issued 01/01/14)
OPA Finding	Not Sustained (Lawful and Proper)
Allegation #2	<u>Seattle Police Department Manual</u> 5.001 (9) Employees Shall Strive to be Professional at all Times (Policy that was issued 04/01/15)
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: When Authorized (Policy that was issued 01/01/14)
OPA Finding	Not Sustained (Lawful and Proper)
Allegation #2	<u>Seattle Police Department Manual</u> 5.001 (9) Employees Shall Strive to be Professional at all Times (Policy that was issued 04/01/15)
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: When Authorized (Policy that was issued 01/01/14)
OPA Finding	Not Sustained (Lawful and Proper)
Allegation #2	<u>Seattle Police Department Manual</u> 5.001 (9) Employees Shall Strive to be Professional at all Times (Policy that was issued 04/01/15)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employees were part of a group conducting a narcotics operation in a park. An officer observed the complainant conduct a narcotics sale. The Named Employees attempted to take the complainant into custody, and he fled on foot. After a short foot pursuit, the complainant was taken into custody and booked into jail.

COMPLAINT

The complainant alleged that the Named Employees used excessive force against him when they took him into custody and that they called him names such as “sissy, punk and stuff.”

INVESTIGATION

The OPA investigation included the following actions:

1. Review of complaint
2. Interview of the complainant
3. Search for and review of all relevant records and other evidence
4. Review of In-Car Videos (ICV)
5. Review of other video
6. Interview of witnesses
7. Interviews of SPD employees

ANALYSIS AND CONCLUSION

The OPA investigation into this incident included a detailed review of the Use of Force investigation conducted at the time of the incident. In addition, OPA interviewed the involved law enforcement personnel. A preponderance of the evidence supports the conclusion that events did not unfold as the complainant alleged. At the time of the incident, the Named

Employees used force on the complainant as he was running away from the police and then actively resisting efforts to take him into custody.

FINDINGS

Named Employee #1, #2 and #3

Allegation #1

The weight of the evidence showed that the Named Employees used force that was reasonable and proportional to take the complainant into custody. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Using Force: When Authorized*.

Allegation #2

There was no evidence that showed the Named Employees acted unprofessionally. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Employees Shall Strive to be Professional at all Times*.

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.