



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-0096

Issued Date: 08/29/2016

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 09/01/2015)
OPA Finding	Not Sustained (Lawful and Proper)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employee used force to take the complainant into custody.

COMPLAINT

The complainant alleged that the Named Employee broke his foot during his arrest.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint letter
2. Search for and review of all relevant records and other evidence
3. Review of In-Car Video (ICV)
4. Interview of SPD employee

ANALYSIS AND CONCLUSION

The complainant alleged that the Named Employee used excessive force which resulted in his (the complainant's) foot being broken. This allegation was expressed in a handwritten letter to OPA without any details or explanation for the belief that the force used was excessive. The complainant declined to be interviewed by OPA. The preponderance of the evidence from this investigation showed that the Named Employee used a control hold technique ("straight arm bar") to force the complainant to the ground. The Named Employee knew there was a warrant for the complainant's arrest for an armed felony crime and articulated a variety of factors he believed necessitated immediate action on his (the Named Employee) part to get the complainant into custody. The evidence also supports the conclusion that the complainant's foot was injured prior to this incident and did not either prove or disprove that any additional injury was caused to the foot during this incident. The OPA Director found the force used by the Named Employee in this incident to be reasonable, necessary and proportionate given the totality of the circumstances.

FINDINGS

Named Employee #1

Allegation #1

The evidence supports that the force used by the Named Employee was reasonable, necessary and proportionate given the totality of the circumstances. 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.