Seattle
Office of Police
Accountability

CLOSED CASE SUMMARY

ISSUED DATE: DECEMBER 3, 2021

FROM: DIRECTOR ANDREW MYERBERG
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2021OPA-0275

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	8.200 – Using Force 1. Use of Force: When Authorized	Not Sustained (Unfounded)

Named Employee #2

Allegation(s):		Director's Findings
# 1	8.200 – Using Force 1. Use of Force: When Authorized	Not Sustained (Unfounded)

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

The Complainant alleged that the Named Employees subjected him to excessive force.

SUMMARY OF INVESTIGATION:

An SPD supervisor notified OPA that a detainee – the Complainant in this case – contended that he had been shoved into a wall by officers, causing him to strike his face. The Complainant specifically identified Named Employee #1 (NE#1) and Named Employee #2 (NE#2) as engaging in this conduct. OPA reviewed the Body Worn Video (BWV) for this incident and requested that the supervisor make an OPA referral to allow for a deeper analysis.

The investigation was assigned to an OPA investigator who reviewed the BWV and other records associated with this case in detail. It was determined that officers, including the Named Employees, responded to a call of a male (later identified as the Complainant) removing parts from motorcycles that did not belong to him. When they arrived on scene, they observed the Complainant in the close vicinity of a motorcycle. He fled when he saw officers and they pursued him. The officers, with the Named Employees in the lead, followed the Complainant into the entryway of an apartment building. The Named Employees grabbed onto the Complainant's wrists and arms as he continued to move away from them and forward in the direction of one of the walls in the entryway. The Complainant ultimately proceeded into the side of the wall, with his helmeted head making contact. From a review of the BWV, there was no evidence indicating that an officer smashed or slammed the Complainant's head into the wall.

A supervisor examined the Complainant after the fact and reviewed the use of force. The Complainant had no injuries, including none to his face. Photographs were taken of the Complainant that documented this. The Complainant later complained of trouble breathing, nervousness, and heart palpitations; however, this was attributed to anxiety and the fact that he had used meth three hours prior to the incident.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1
8.200 – Using Force 1. Use of Force: When Authorized

OPA's review of the video contradicts the Complainant's assertion that his head was slammed or smashed into the entryway wall. Instead, what appears to have occurred was that the Complainant was pulling away from the officers who were trying to control him when his head inadvertently made contact. OPA notes that the speed of the contact was not particularly high, he was wearing a motorcycle helmet at the time, and he did not suffer any injuries.

Given this, OPA finds no basis to conclude that either of the Named Employees subjected the Complainant to excessive force and recommends that this allegation be Not Sustained – Unfounded as against both officers.

Recommended Finding: **Not Sustained (Unfounded)**

Named Employee #1 - Allegation #2
8.200 – Using Force 1. Use of Force: When Authorized

For the same reasons as stated above (*see* Named Employee #1 – Allegation #1), OPA recommends that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained (Unfounded)**