



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2014-0749

Issued Date: 06/03/2015

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 8.100 (1) Use of Force: When Authorized (Policy that was issued 01/01/14)
OPA Finding	Not Sustained (Lawful & Proper)
Allegation #2	<u>Seattle Police Department Manual</u> 8.200 (5) Using Force: Impact Weapons (Policy that was issued 01/01/14)
OPA Finding	Not Sustained (Training Referral)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 8.100 (1) 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 “help” call from the Seattle Fire Department (SFD). SFD has requested assistance because a subject being treated by medics had committed a felony assault on SFD personnel. Upon arrival the named employees evaluated the situation and decided to arrest the subject. It took them several attempts to get the subject under control in order to put handcuffs on him. The extraordinary resistance offered by the subject was due to the fact that he had been under the influence of drugs and contributed to his inability to feel the effects of the strikes, and his apparent irrational behavior.

COMPLAINT

The complainant, a supervisor within the Department, alleged the named employees possibly used excessive force in making the arrest of the subject.

INVESTIGATION

The OPA investigation included the following actions:

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

ANALYSIS AND CONCLUSION

The evidence showed that the case investigation was thorough and complete, reviewed appropriately through multiple levels of review, including the SPD Force Review Board. The actions of the named employees did not constitute misconduct.

FINDINGS

Named Employee #1

Allegation #1

The evidence showed that the named employee used force within policy due to circumstances presented by this incident. Therefore a finding of **Not Sustained** (Lawful & Proper) was issued for *Use of Force: When Authorized*.

Allegation #2

The evidence showed that the named employee used a baton as a tool to push the subject to the ground. In the course of using it this way, the named employee lost control of the baton and it came in contact with the subject and rolled away on the ground, creating a safety hazard. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Using Force: Impact Weapons*. The named employee would benefit from additional training on the use and retention of the baton, as well as O.C. spray or a Taser so he has an additional less lethal option.

Named Employee #2

Allegation #1

The evidence showed that the named employee used force within policy due to circumstances presented by this incident. 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.