



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2015-0195

Issued Date: 10/14/2015

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 8.100 - Using Force; 1. Use-of-Force: When Authorized (Policy that was issued 07/16/2014)
OPA Finding	Sustained
Final Discipline	1 day suspension without pay and retraining on Policy 8.100 (1)

INCIDENT SYNOPSIS

The named employee was checking for warrant suspects and contacted an individual lying down in what was known to officers to be another person's vehicle. The individual was escorted to the front of a patrol vehicle to be identified. The individual spat on the ground near the named employee's feet and the named employee told him not to do this. The individual then spat on the named employee and the named employee punched him once in the head.

COMPLAINT

The complaint, a supervisor within the Department, alleged that the named employee punched a suspect when he appeared to have spat at him.

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. Interview 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 and others. The evidence showed that the level of force used was not proportionate to the level of assault even accounting for the biohazard concerns legitimately created by spitting. The named employee's justification for a punch in this circumstance was not supported by the training curriculum.

FINDINGS

Named Employee #1

Allegation #1

The evidence supports that the named employee used force that was not proportionate to the circumstances. Therefore a **Sustained** finding was issued for *Use-of-Force: When Authorized*.

Discipline imposed: 1 day suspension without pay and retraining on Policy 8.100 (1)

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.