



## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Closed Case Summary

Complaint Number OPA#2015-1151

Issued Date: 01/27/2016

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 8.200-POL 3 (4) CEW/Conducted Electrical Weapons (TASER): Officers Shall Only Deploy CEW When Objectively Reasonable (Policy that was issued 01/01/2014)
OPA Finding	<b>Not Sustained</b> (Lawful and Proper)
Allegation #2	<u>Seattle Police Department Manual</u> 8.200-POL 3 (5) CEW/Conducted Electrical Weapons (TASER): Officers Shall Consider Secondary Risks (Policy that was issued 01/01/2014)
OPA Finding	<b>Not Sustained</b> (Lawful and Proper)
Allegation #3	<u>Seattle Police Department Manual</u> 8.200 (5) Use of Force Tools: Officers Are Prohibited From Using Less-Lethal Tools ... Absent Active Aggression by the Subject ... When the Subject Is In an Elevated Position (Policy that was issued 01/01/2014)
OPA Finding	<b>Not Sustained</b> (Lawful and Proper)
Final Discipline	N/A

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 8.200-POL 3 (4) CEW/Conducted Electrical Weapons (TASER): Officers Shall Only Deploy CEW When Objectively Reasonable (Policy that was issued 01/01/2014)

OPA Finding	<b>Not Sustained</b> (Lawful and Proper)
Allegation #2	<u>Seattle Police Department Manual</u> 8.200-POL 3 (5) CEW/Conducted Electrical Weapons (TASER): Officers Shall Consider Secondary Risks (Policy that was issued 01/01/2014)
OPA Finding	<b>Not Sustained</b> (Lawful and Proper)
Allegation #3	<u>Seattle Police Department Manual</u> 8.200 (5) Use of Force Tools: Officers Are Prohibited From Using Less-Lethal Tools ... Absent Active Aggression by the Subject ... When the Subject Is In an Elevated Position (Policy that was issued 01/01/2014)
OPA Finding	<b>Not Sustained</b> (Lawful and Proper)
Final Discipline	N/A

### **INCIDENT SYNOPSIS**

The named employees responded with other officers to a reported assault between two roommates. There were four people who resided in the home and who have individual bedrooms; however, the living room and kitchen are shared and considered “common areas.” The 911 caller was a roommate, the victim, who had been threatened by another roommate, the suspect. The victim believed that the suspect was high on drugs and had threatened him with a metal pipe and a knife. The other two roommates were possible at home as well. Ultimately, an emergency arrest team was established. The suspect eventually exited the home and did not comply with officers’ commands. Officers believed that the suspect was forcing a confrontation with them and may have had a weapon hidden on his body. As the officers were not sure who was still in the home and in possible danger and did not know the location of the knife, a plan was developed to prevent the suspect from reentering the home. Named employee #2 deployed his Taser but the deployment was ineffective. Named employee #1 transitioned to the Taser officer. Both named employee #1 and #2 deployed both of their Tasers. The suspect succumbed and fell forward landing on the right side of his body. The suspect resisted being handcuffed and would not bring his hands out from under his body. Officers gave multiple commands to stop his active resistance but the suspect did not comply. Named employee #1 activated his Taser a second time. Officers were ultimately able to handcuff the suspect. The Seattle Fire Department arrived on scene and provided medical attention. The suspect was later booked into jail for investigation of assault.

### **COMPLAINT**

The complainant, the Force Review Board, alleged that the named employees may have violated the Use-of-Force Taser policy.

## **INVESTIGATION**

The OPA investigation included the following actions:

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

## **ANALYSIS AND CONCLUSION**

The OPA investigation carefully reviewed the documentation available and interviewed involved persons. The officers and supervisor on scene were faced with a dynamic and violent situation. The suspect was not contained and likely posed a danger to officers and others. The officers on scene recognized and made use of the opportunity to resolve the situation without utilizing lethal force. Although the circumstances were not ideal for a Conducted Electrical Weapon (CEW) deployment, other less lethal alternatives were not available. Once the CEW (Taser) was deployed, the suspect was successfully taken into custody and the situation was brought to a safe conclusion.

## **FINDINGS**

### **Named Employee #1 and #2**

#### Allegation #1

The evidence supports that the named employees followed proper procedures and it was reasonable under the circumstances to deploy CEW. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Officers Shall Only Deploy CEW When Objectively Reasonable*.

#### Allegation #2

The evidence showed that the named employees evaluated the scene prior to CEW deployment and considered the secondary risks to the suspect and third parties. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Officers Shall Consider Secondary Risks*.

#### Allegation #3

The evidence showed that the named employees followed proper procedures based on the aggressive actions by the suspect. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Officers Are Prohibited From Using Less-Lethal Tools ... Absent Active Aggression by the Subject ... When the Subject Is In an Elevated Position*.

*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.*