



## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Closed Case Summary

Complaint Number 2017OPA-0018

Issued Date: 08/07/2017

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 August 1, 2015)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 8.200 (1) Using Force: Use of Force: When Authorized (Policy that was issued August 1, 2015)
OPA Finding	<b>Not Sustained</b> (Lawful and Proper)
Final Discipline	N/A

Named Employee #3	
Allegation #1	<u>Seattle Police Department Manual</u> 8.200 (1) Using Force: Use of Force: When Authorized (Policy that was issued August 1, 2015)
OPA Finding	<b>Not Sustained</b> (Lawful and Proper)
Final Discipline	N/A

## **INCIDENT SYNOPSIS**

The Named Employees were dispatched to a report of a disturbance.

## **COMPLAINT**

The complainant made statements on In-Car Video (ICV) after his arrest that he was beaten, or “beaten like a dog”. The Acting Lieutenant forwarded a complaint of possible excessive force to OPA based on these statements. During both the intake process and the investigation, OPA attempted to obtain a statement from the complainant via his attorney of record. OPA interviewed the three Named Employees and their supervisor.

## **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. Review of Use of Force Investigation
4. Interviews of SPD employees

## **ANALYSIS AND CONCLUSION**

The preponderance of evidence from the OPA investigation showed that Named Employee #1 used no reportable force on the complainant during this incident.

The preponderance of evidence from the OPA investigation showed that Named Employee #2 used several strikes and punches on the complainant during this incident. The same evidence showed that the complainant assaulted Named Employee #2 by kicking and punching him, as well as engaged in active physical resistance to Named Employee #2’s efforts to take the complainant into custody. During a portion of the struggle between Named Employee #2 and the complainant, Named Employee #2 was trapped under a trampoline and could not disengage from the complainant. Given the behavior of the complainant and the totality of the circumstances, the OPA Director found the force used by Named Employee #2 in this situation to have been reasonable, necessary and proportional.

The preponderance of evidence from the OPA investigation showed that Named Employee #3 used de minimis and Type I force to assist Named Employee #2 with controlling the complainant and getting him into custody. Given the behavior of the complainant and the totality of the circumstances, the OPA Director found the force used by Named Employee #3 in this situation to have been reasonable, necessary and proportional.

## **FINDINGS**

### **Named Employees #1**

#### Allegation #1

The OPA investigation found no evidence to support the complainant's allegation. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Using Force: Use of Force: When Authorized*.

### **Named Employees #2**

#### Allegation #1

The OPA investigation found the force used by Named Employee #2 in this situation to have been reasonable, necessary and proportional. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Using Force: Use of Force: When Authorized*.

### **Named Employees #3**

#### Allegation #1

The OPA investigation found that Named Employee #3 used de minimis and Type I force to assist Named Employee #2 with controlling the Complainant and getting him into custody. 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.*