



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2014-0253

Issued Date: 02/11/2015

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

INCIDENT SYNOPSIS

On June 29, 2014, the named employee and other Seattle Police Department employees responded to a vehicle collision in which several people were involved. The complainant, who was not involved in the collision, wandered through the scene of the vehicle collision dressed in a costume and took photos of all of the people involved. The people told the complainant that they did not want their pictures taken but the complainant continued his actions and taunted the people. A physical confrontation appeared imminent between the complainant and the people involved in the collision but the complainant left the scene.

The complainant returned to the scene dressed in street clothing. The people involved in the collision recognized the complainant and the complainant continued arguing and being combative with them. The officers requested that the complainant leave the scene but he asserted his constitutional right to be on the street. The named employee stepped in front of the complainant fearing that the complainant was about to attack witness #1. The named employee attempted to escort the complainant to his patrol car. The complainant would not move and as the named employee tried to move him, the complainant collapsed to the ground. The named employee cuffed the complainant and walked him to the patrol car.

COMPLAINT

The complainant alleged that the named employee used excessive force when the named employee placed him under arrest.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint memo
2. Interview of witnesses
3. Interview of SPD employees

ANALYSIS AND CONCLUSION

An accident investigation was underway when the complainant inserted himself in such a way as to raise the potential for violence for all at the scene. The complainant's demeanor caused officer and those involved in the accident to focus on him and his actions. While it is the right of citizens to photograph or view law enforcement action(s), the complainant's actions were combative toward others and hindered the officers' investigative efforts.

FINDINGS

Named Employee #1

The weight of the evidence showed that the named employee's actions were reasonable, necessary and proportional in making the incident safe and under control, 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.