



OFFICE OF POLICE ACCOUNTABILITY

Closed Case Summary

Complaint Number 2016OPA-0826

Issued Date: 03/02/2018

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 September 1, 2015)
OPA Finding	Not Sustained (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 September 1, 2015)
OPA Finding	Not Sustained (Unfounded)
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 September 1, 2015)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employees responded to a report of possible harassment, property damage and Violation of the Uniform Controlled Substance Act.

COMPLAINT

The complainant alleged that during an interaction with the Named Employees, one of the Named Employees punched him in the face causing injuries. The complainant later changed his account of what occurred and stated that he was not "sucker punched," but was instead allegedly pushed by one of the Named Employees.

INVESTIGATION

The OPA investigation included the following actions:

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

ANALYSIS AND CONCLUSION

When the Named Employees arrived at the scene, they viewed the alleged perpetrator, the complainant, on the ground, with another individual on top of him holding him down. The Named Employees observed that the complainant had facial injuries and blood around his mouth. The Named Employees placed the complainant into custody. After his arrest, the complainant spoke with a Department Sergeant. He first told the Sergeant that he had been "sucker punched," and then changed his account to say that he was instead pushed. The Sergeant construed the complainant's statements as alleging excessive force against the Named Employees and referred this matter to OPA. However, in the referral, the Sergeant noted that Named Employees denied using force on the complainant. He further noted that the individual who had been holding the complainant down at the time the Named Employees arrived at the scene reported punching the complainant in the face after observing him engaging in criminal activity.

During its investigation, OPA reviewed In-Car Video of the incident that captured the Named Employees' interaction with the complainant, as well as his subsequent statements. From a review of this video, there was no indication that the Named Employees used any reportable force, let alone force that violated Department policy. OPA further attempted to interview the complainant; however, he declined to give a statement.

FINDINGS

Named Employees #1, #2 and #3

Allegation #1

A preponderance of the evidence showed that there was no indication that the Named Employees used any reportable force, let alone force that violated Department policy. Therefore a finding of **Not Sustained** (Unfounded) 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.