



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2014-0181

Issued Date: 02/17/2015

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 8.100 Use of Force: When Authorized (Policy that was issued 01/01/14)
OPA Finding	Not Sustained (Unfounded)
Allegation #2	<u>Seattle Police Department Manual</u> 8.300 Use of Force Reporting & Investigation (Policy that was issued 01/01/14)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

INCIDENT SYNOPSIS

On June 9, 2014 the complainant was trespassing. The occupants, concerned about a potential burglary, notified the police. The complainant was intoxicated and was walking away when the named employee responded. The named employee ordered the complainant to sit down. The complainant argued but complied after repeated commands. Another SPD employee arrived at the scene. Both employees located a friend of the complainant and released him into his friend's custody.

COMPLAINT

The complainant alleged that the named employee, during the encounter, pointed his firearm at him without sufficient justification. OPA added an allegation for failure to report this alleged use of force (Level 1).

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint
2. Interview of witnesses
3. Review of In-Car Videos
4. Interview of SPD employees

ANALYSIS AND CONCLUSION

An officer shall only use the force reasonable to effectively bring an incident or person under control. The complainant had initially argued with the named employee and was not responding to verbal commands. Consistent with SPD training, the named employee un-holstered his weapon and held it pointed towards the ground. The complainant asked if the named employee was pointing a gun at him. The named employee responded, "Yes, I am", not because it was, but in an effort to gain the complainant's cooperation in following his commands. The gun was re-holstered after approximately 2 minutes. Considering the totality of the circumstances, it was not unreasonable for the named employee to hold his firearm pointed down to the ground until he was satisfied that the subject was not a threat to him. Un-holstering or displaying a firearm, without pointing it at a person, is not a reportable use of force.

FINDINGS

Named Employee #1

Allegation #1

There is insufficient evidence to support the allegation that the named employee pointed his gun directly at the complainant, therefore a finding of **Not Sustained** (Unfounded) was issued for *Use of Force*.

Allegation #2

As the level of force used was *de minimis* and did not need to be reported, therefore a finding of **Not Sustained** (Unfounded) was issued for *Use of Force Reporting & Investigation*.

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.