



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2014-0661

Issued Date: 04/15/2015

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 8.200 – POL-3 (4) Only Deploy Conducted Electrical Weapons (CEW) When Objectively Reasonable (Policy that was issued 01/01/14)
OPA Finding	Not Sustained (Lawful & Proper)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 8.100 (1) Use of Force: When Authorized (Policy that was issued 01/01/14)
OPA Finding	Not Sustained (Lawful & Proper)
Allegation #2	<u>Seattle Police Department Manual</u> 5.001 (9) Professionalism (Policy that was issued 07/16/14)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

INCIDENT SYNOPSIS

The named employees responded to a call at an emergency room where the subject had attempted to assault hospital staff. The subject threatened to hurt the named employees when they arrived. Named employee #1 believed that the subject was going to assault him and he deployed his Taser (a conducted electrical weapon), but it was ineffective. At the same time, the subject then hugged the complainant, his mother, and they fell to the floor. A second Taser application was applied to the subject. The subject was then restrained to a gurney.

COMPLAINT

The complainant alleged that the named employees used excessive and lethal force. The complainant further alleged that the named employees goaded her son into a fight and that they Tased her son and she received part of the shock. She stated that both she and her son were injured as a result.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint letter
2. Interview of the complainant
3. Interview of witnesses
4. Search for and review of all relevant records and other evidence
5. Review of Use of Force Packets
6. Interviews of SPD employees

ANALYSIS AND CONCLUSION

After reviewing the evidence it showed that the subject was experiencing a crisis when the complainant brought him to the emergency room. The named employees were called to the emergency room to assist the emergency room staff. The subject continued to be in crisis when they Tased him to prevent harm to him or others. There is no evidence that the named employees used lethal force against the subject as alleged by the complainant. The amount of force used was reasonable, necessary and proportionate to control the subject so he could be restrained to a gurney by the emergency room staff. The named employees attempted a peaceful resolution with the subject and had attempted to avoid the use of force. There is no evidence that a SPD employee attempted to goad the subject into an altercation through the use of language or other actions that would have escalated the contact into one of violence.

FINDINGS

Named Employee #1

Allegation #1

The weight of the evidence showed that the named employee used necessary force to prevent harm to the subject or others by using his Taser. Therefore a finding of **Not Sustained** (Lawful & Proper) was issued for *Only Deploy CEW When Objectively Reasonable*.

Named Employee #2

Allegation #1

The weight of the evidence showed that the named employee used force that was reasonable, necessary and proportionate to restrain the subject to prevent harm to himself or to others. Therefore a finding of **Not Sustained** (Lawful & Proper) was issued for *Use of Force: When Authorized*.

Allegation #2

There is no evidence that a SPD employee attempted to goad the subject into an altercation through the use of language or other actions that would have escalated the contact into one of violence. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Professionalism*.

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.