



## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Closed Case Summary

Complaint Number OPA#2015-1063

Issued Date: 02/04/2016

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 8.100 (1) Using Force: When Authorized (Policy that was issued 01/01/14)
OPA Finding	<b>Not Sustained</b> (Lawful and Proper)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 8.100 (1) Using Force: When Authorized (Policy that was issued 01/01/14)
OPA Finding	<b>Not Sustained</b> (Lawful and Proper)
Final Discipline	N/A

#### **INCIDENT SYNOPSIS**

The named employees were working in uniform in a marked patrol car and were parked outside of a retail store. They observed two store employees, one of whom was a uniformed security guard, following a man and a woman who had left the store with one of the employees yelling for them to stop. Named employee #1 observed that the male suspect attempted to punch one of the employees. The named employees believed that a shoplift or robbery was occurring, exited their vehicle, identified themselves as police, and yelled for the suspects to stop. The suspects fled the scene on foot and the officers gave chase. Named employee #1 caught up to the female suspect, the complainant, and detained her. The male suspect doubled back and

charged at named employee #1, knocking him backward and causing him to lose his hold on the complainant. The suspects continued to flee. A few blocks later, named employee #1 again caught up with the complainant and detained her. The male suspect walked up to named employee #1 and bumped him in the chest with his chest. Named employee #2 pushed the male suspect away from named employee #1. The male suspect did not comply with commands to get on the ground and assumed an aggressive posture from less than a foot away. Named employee #2 feared that he was about to be assaulted and delivered an elbow strike to the male suspect. The male suspect moved back about a foot but continued to show an aggressive posture, so named employee #2 followed up with a hand check and then a strike to the male suspect's face. The strike was effective as the male suspect bent over at the waist and said "I'm done." Named employee #2 took the male suspect to the ground to handcuff him. Both the male suspect and the female complainant were taken into custody.

## **COMPLAINT**

The complainant alleged that the named employees used excessive and unnecessary force against a male suspect when they took him into custody.

## **INVESTIGATION**

The OPA investigation included the following actions:

1. Review of the complainant statement
2. Search for and review of all relevant records and other evidence
3. Review of In-Car Videos
4. Interviews of SPD employees

## **ANALYSIS AND CONCLUSION**

The use of force was not captured on the named employee's In-Car Video system as it was not activated until after the officers took immediate action to intervene in an assault in progress and the suspects were detained. The responding sergeant conducted an extremely detailed review of the incident and took detailed notes regarding what both the suspect and the complainant said during recorded statements. Documents indicate that the male suspect had no injuries from the encounter. OPA attempted to contact both the suspect and the complainant for follow up interviews, but neither responded. OPA reviewed the Force Review Board Findings of this incident. The OPA investigation identified no evidence to substantiate the allegation of a violation of the use of force policy against both named employees.

## **FINDINGS**

### **Named Employee #1 and #2**

#### Allegation #1

The weight of the evidence showed that the named employees used force that was reasonable and proportional to take the suspect into custody. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Using 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.*