



## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Closed Case Summary

Complaint Number OPA#2015-1879

Issued Date: 06/28/16

<b>Named Employee #1</b>	
Allegation #1	<u>Seattle Police Department Manual</u> 8.200 (1) Using Force: Use of Force: When Authorized (Policy that was issued 09/01/2015)
OPA Finding	<b>Not Sustained</b> (Lawful and Proper)
Final Discipline	N/A

#### **INCIDENT SYNOPSIS**

Officers were looking in an area attempting to apprehend a homicide suspect, the complainant. The complainant was located in a vehicle. Officers conducted a high risk vehicle stop and ordered the occupants out. The complainant complied with the orders and exited the vehicle. As the complainant exited the vehicle the Named Employee took hold of the complainant's arm and ordered him to the ground. The complainant complied, went to the ground and the Named Employee handcuffed the complainant. The Named Employee searched the complainant and observed that the complainant had a small abrasion on his forehead. The Named Employee informed his supervisor of the abrasion and that he was unsure when or how it happened.

#### **COMPLAINT**

The complainant alleged that the Named Employee used unnecessary force while handcuffing him on the ground causing an abrasion to his forehead.

## **INVESTIGATION**

The OPA investigation included the following actions:

1. Review of the complaint
2. Interview of the complainant
3. Interview of witness
4. Search for and review of all relevant records and other evidence
5. Interview of SPD employees

## **ANALYSIS AND CONCLUSION**

The allegation was that the Named Employee used excessive force in taking the complainant to the ground during an arrest, thus causing the complainant to suffer an abrasion to his forehead. The complainant was wanted for the crime of murder. The weapon in the murder was a handgun. The Named Employee had been informed that the complainant may still be in possession of the murder weapon. The preponderance of the evidence from the OPA investigation showed that the Named Employee swiftly took the complainant to the ground immediately after he (the complainant) got out of a vehicle. This was done in order to control and restrain the complainant to prevent him from accessing a weapon and injuring an officer. This is a tactic SPD trains its officers to use when taking an armed violent criminal into custody. It is possible, though not certain, the complainant obtained the abrasion on his forehead either during his initial fall to the ground or as he was being restrained face-down on the ground. There is no evidence from this investigation to suggest the Named Employee intentionally caused the complainant's injury. Given the totality of the circumstances known from this investigation, the OPA Director found the force used by the Named Employee to be reasonable and necessary to safely arrest the complainant. The OPA Director also found the force used was relatively minor, as well as proportional given the severity of the crime for which the complainant was wanted and the likelihood he was still armed with a handgun.

## **FINDINGS**

### **Named Employee #1**

#### **Allegation #1**

The evidence showed that the Named Employee used force that was reasonable, necessary and proportional to take the complainant into custody. Therefore a **Not Sustained** (Lawful and Proper) finding 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.*