



## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Closed Case Summary

Complaint Number 2017OPA-0500

Issued Date: 08/15/2017

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	<b>Not Sustained</b> (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	<b>Not Sustained</b> (Unfounded)
Final Discipline	N/A

#### **INCIDENT SYNOPSIS**

The Named Employees were dispatched to a store regarding an individual who was refusing to leave (the complainant).

## **COMPLAINT**

The complainant alleged that Named Employee #2 twisted her right arm and caused injury. She alleged that prior to transport, Named Employee #1 tightened the seat belt too tight. The complainant also alleged that the Named Employees' audio recording devices were turned off, which OPA determined was not the case.

## **INVESTIGATION**

The OPA investigation included the following actions:

1. Review of the complaint
2. Review of In-Car Videos (ICV)
3. Review of Use of Force documents
4. Search for and review of all relevant records and other evidence
5. Interviews of SPD employees

## **ANALYSIS AND CONCLUSION**

Named Employee #1 and Named Employee #2 were dispatched to a grocery store regarding a woman who was refusing to leave the store. The woman, who was the complainant here, was placed under arrest for trespass. Virtually the entirety of the complainant's contact with Named Employee #1 and Named Employee #2 was captured by ICV.

The complainant was handcuffed by Named Employee #2, who checked the tightness of and double-locked the handcuffs. Named Employee #2 then escorted the complainant out of the store by holding her right elbow with his left hand.

The complainant did not claim to be in pain when she was handcuffed. To the contrary, the complainant stated that the handcuffs were not tight enough, which Named Employee #2 also checked. The complainant also did not state that she was in pain when she was walked from the store to the police vehicle.

The complainant was led to the front of Named Employee #1's vehicle where she was searched incident to arrest by Named Employee #2. During the search the complainant complained of pain to her right arm and alleged that Named Employee #2 twisted her arm causing the injury. Seattle Fire Department responded to treat the complainant for her alleged injury, but she refused treatment. The force was reported to a Sergeant by Named Employee #2, and the Sergeant responded to the scene to conduct a Use of Force investigation. Named Employee #2 completed a Use of Force statement, in which he affirmed that the complainant was compliant and no force was used.

The complainant also complained that the officers put her seat belt on too tight. Named Employee #1's rear-facing ICV recorded the placement of the complainant in the back seat of

the patrol car and her transport to the precinct. Based on the video, the seatbelt appeared to have been applied correctly and consistent with policy. There was no indication from the video that the seatbelt was tighter than normal or that the seatbelt actually caused the complainant any pain.

The complainant did not respond to OPA's requests for an interview concerning the substance of her claims.

## **FINDINGS**

### **Named Employees #1 and #2**

#### Allegation #1

A preponderance of the evidence showed that force was not used by the Named Employees. 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.*