



CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 11, 2019

CASE NUMBER: 2018OPA-0723

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	8.200 - Using Force 1. Use of Force: When Authorized	Not Sustained (Unfounded)

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

The Complainant alleged that the Named Employee used excessive force and broke her wrists when he handcuffed her and took her into custody.

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the OPA Auditor’s review and approval, believed that it could reach and issue recommended findings based solely on its intake investigation and without interviewing the Named Employee. As such, the Named Employee was not interviewed as part of this case.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

8.200 - Using Force 1. Use of Force: When Authorized

On July 19, 2018, Named Employee #1 (NE#1) and other officers responded to the Downtown Emergency Service Center (DESC) on an assault call. During their preliminary investigation of the circumstances, the officers developed probable cause to arrest the Complainant for assaulting a DESC resident. When the Complainant was taken into police custody, NE#1 handcuffed her. During that process, the Complainant alleged that her wrists were broken.

In SPD reports, which included the General Offense report and Use of Force review documents, NE#1 and the other officers reported that the Complainant tensed up and dropped to the ground as NE#1 handcuffed her. They also reported that she kicked one of the other officers and was very combative as they took her into custody. The officers documented that the Complainant immediately complained that her wrists were broken. The officers reported reassessing the Complainant’s condition based on her complaint and that there was no indication that anything was wrong with her wrists.

Ultimately, NE#1 reported his use of force in placing handcuffs on the Complainant to the responding Sergeant along with the Complainant’s allegation that her wrists were broken. The responding Sergeant reviewed the Complainant’s condition and reported that there was no evidence of injury to the Complainant’s wrists. Subsequently, the Sergeant also viewed NE#1’s Body Worn Video (BWV) and determined that NE#1 applied the handcuffs on the Complainant



consistent with SPD training and policy and that none of the force was excessive. The use of force was categorized as Type I based on handcuffing pain.

Based on the nature of the Complainant's allegation and after discussions with OPA, SPD referred this matter to OPA, and this investigation ensued.

SPD Policy 8.200(1) requires that force used by officers be reasonable, necessary and proportional. Whether force is reasonable depends "on the totality of the circumstances" known to the officers at the time of the force and must be balanced against "the rights of the subject, in light of the circumstances surrounding the event." (SPD Policy 8.200(1).) The policy lists a number of factors that should be weighed when evaluating reasonableness. (*See id.*) Force is necessary where "no reasonably effective alternative appears to exist, and only then to the degree which is reasonable to effect a lawful purpose." (*Id.*) Lastly, the force used must be proportional to the threat posed to the officer. (*Id.*) If, as the Complainant alleged, NE#1 used excessive force and broke her wrists when handcuffed and took her into custody, it would have been a violation of this policy.

The Complainant's initial contact with NE#1 and other officers, along with her handcuffing, arrest, and subsequent communication with the SPD Sergeant, were fully captured on BWV. The BWV establishes that the conduct alleged by the Complainant did not occur. The BWV conclusively disproves that NE#1 or any other officers broke her wrists at any point during this incident. The BWV also establishes that the force used during this incident was reasonable, necessary, and proportional, and, thus, consistent with policy.

As such, I recommend that this allegation be Not Sustained – Unfounded against NE#1.

Recommended Finding: **Not Sustained (Unfounded)**