



CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 7, 2019

CASE NUMBER: 2018OPA-0830

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 (Lawful and Proper)

Named Employee #2

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

Named Employee #3

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

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 Employees subjected him to excessive force by slamming him onto the ground.

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 Employees. As such, the Named Employees were 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

The Named Employees responded to a call for service and developed probable cause to arrest the Complainant for various crimes, including domestic violence assault. Named Employee #1 and Named Employee #2 approached the Complainant, who was near a bicycle. NE#1 and NE#2 took the Complainant down to the ground and placed him into handcuffs. Named Employee #3 (NE#3) arrived and held the Complainant’s legs in place while he was being handcuffed. The Named Employees assisted the Complainant to his feet and began walking him to the patrol car. The Complainant stated that he was exhausted and buckled his knees and dropped his weight to the ground. The Named Employees sat the Complainant down on the ground and called for the Seattle Fire Department to respond



to evaluate the Complainant. The Named Employees then again assisted the Complainant in walking and they were able to seat him in the rear of their patrol vehicle.

After he was taken into custody, the Complainant alleged that he was roughed up. As a result, a supervisor forwarded 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.*)

From OPA’s review of the evidence – most notably, the Body Worn Video (BWV) – it is clear that the officers used de minimis force to take the Complainant into custody. The officers did not slam the Complainant to the ground and, to the contrary, took him down in a controlled manner. Under the circumstances of this case, the force the Named Employees used by reasonable, necessary, and proportional, and, thus, consistent with policy.

For these reasons, I recommend that this allegation be Not Sustained – Lawful and Proper as against all Named Employees.

Recommended Finding: **Not Sustained (Lawful and Proper)**

Named Employee #2 - Allegation #1

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

For the same reasons as stated above (*see* Named Employee #1, Allegation #1), I recommend that this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained (Lawful and Proper)**

Named Employee #3 - Allegation #1

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

For the same reasons as stated above (*see* Named Employee #1, Allegation #1), I recommend that this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained (Lawful and Proper)**