



CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 17, 2018

CASE NUMBER: 2016OPA-0811

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:

While his arrest was being screened by a supervisor, the Complainant alleged that a Named Employee "slammed my head in the car." The Complainant also stated that when he complained about that force, "the officer did it again."

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

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

The Complainant was arrested for a Domestic Violence assault by Named Employee #1 (NE#1). The incident occurred within the Complainant’s home but the location where the alleged excessive force took place was captured on In-Car Video (ICV).

During his arrest, the Complainant was uncooperative, flailing and pulling away from officers. He was handcuffed and the officers escorted him out to the patrol car. He then attempted to pull away from the officers, however, they held onto him and he walked into the side of the patrol car. From my review of the ICV, it does not appear that the officers pushed him into the vehicle. Instead, it appears that the Complainant propelled himself into the side of the car. The ICV also indicated that the Complainant’s head never made contact with the patrol car at any point. In fact, while placing him in the back of the car, NE#1 took precautions to prevent the Complainant’s head from hitting the vehicle.

The Complainant did make a complaint of pain regarding his handcuffs while in NE#1’s presence. NE#1 appropriately reported that complaint to a supervisor who properly screened and investigated it. During the screening of that complaint, the Complainant alleged that his head had been slammed into the patrol vehicle’s door on multiple occasions. Consistent with policy, the supervisor referred that allegation to OPA. 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 my review, there is no evidence suggesting that NE#1, at any point, slammed the Complainant’s head into the patrol car. With regard to the force that was actually used by NE#1 to secure the Complainant’s person and place him into the patrol car, I find that it was reasonable, necessary, and proportional, and thus consistent with policy.

The Complainant was belligerent and uncooperative when the officers were placing handcuffs on him. The involved officers, including NE#1, had the lawful authority to place him under arrest. When he tried to resist them, the officers further had the lawful authority to use force to place him into handcuffs. The only force used was the amount force necessary to place handcuffs on him. As such, I believe that the force was reasonable.

The force was further necessary to ensure that the Complainant was properly secured and to prevent him from causing physical harm to officers or escaping.

Lastly, the force was proportional to the threat facing the officers. Force was only used when the Complainant was actively trying to resist officers and, even then, only the least force necessary was used. Notably, NE#1 did not strike the Complainant or use anything other than a low level of force. Moreover, contrary to the Complainant’s allegation, there is no evidence that excessive force was used against him or that any officer, let alone NE#1, slammed the Complainant’s head into the patrol car on multiple occasions. In fact, the ICV clearly shows that officers did not do so and that they took affirmative actions to ensure that the Complainant’s head did not strike the car.

For these reasons, and given that the specific allegation in this case is that NE#1 slammed the Complainant’s head into the patrol car twice, I recommend that this allegation be Not Sustained – Unfounded.

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