



CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 3, 2018

CASE NUMBER: 2017OPA-0672

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 Named Employee #1 slammed her foot in the patrol car door, which caused her to suffer an injury.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

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

The Complainant alleged that after she was arrested and placed into the rear of a patrol vehicle, Named Employee #1 (NE#1) slammed the patrol vehicle’s rear door on her leg, causing her to suffer an injury.

In the general offense report associated with this incident, NE#1 reported that the Complainant refused to enter his patrol vehicle and was screaming at officers. He further indicated that the Complainant complained of an injury to her leg, but that she was examined by the Seattle Fire Department (SFD) and a nurse at the King County Jail who both determined that there was no such injury.

In his use of force report, NE#1 noted that the Complainant alleged pain to her wrists, both legs and both feet. In the section that asked him to document the force he used, NE#1 only indicated that he used force to the Complainant’s wrists when he applied handcuffs. In the narrative of the report, NE#1 explained that when he was trying to get the Complainant to sit in the rear of the patrol vehicle, she would not put her legs inside. NE#1 reported that he directed her to put her legs within the car and she refused. At that point, he started to close the door. Before the door made contact with the Complainant’s legs, she “screamed ouch.” NE#1 stated that he then asked the Complainant several more times to place her legs within the car and indicated that she ultimately complied. In his report, NE#1 affirmed that, contrary to the Complainant’s claim, his car door never made contact with her legs. He stated that his In-Car Video (ICV), which he reviewed prior to writing his report, supported this assertion.

NE#1 notified a sergeant concerning the Complainant’s complaint of pain. The sergeant responded to the scene and spoke to the Complainant. The sergeant noted that the Complainant appeared to be impaired by alcohol or drugs. She alleged to the sergeant that she suffered pain from handcuffs and from when NE#1 slammed her right foot with the car door. The sergeant observed her foot, but did not note any injury. The sergeant asked the Complainant



whether she wanted medical attention, but she initially refused. Regardless, the sergeant requested that SFD respond to examine and, if necessary, treat the Complainant.

In his review, the sergeant indicated that NE#1 claimed to have not closed the door on the Complainant's legs. When the sergeant asked the Complainant about NE#1's actions, he reported that "she was indecisive and vacillated between whether or not [NE#1] intentionally closed the door on her foot." The sergeant further reported that the Complainant told him that NE#1 "did nothing wrong," but that she continued to "complain."

During its investigation, OPA interviewed NE#1 twice and interviewed the Complainant. OPA also reviewed the ICV from the incident.

At her OPA interview, the Complainant alleged that the car door was shut on her left leg and, at that time, her right leg was in the vehicle. This was different than what she relayed to the sergeant, when she stated that her right leg had been struck by the car door. The Complainant described the force as NE#1 slamming the car door on her leg. As indicated below, this description is inconsistent with my review of the ICV. Lastly, she stated that when she was told by NE#1 to get into the vehicle, she was compliant. This assertion is also inconsistent with the ICV.

During his first OPA interview, NE#1 recounted that the Complainant would not put her legs and feet in the patrol vehicle and was non-compliant. NE#1 stated that, at one point, he told the Complainant that if she did not move her foot, he would close the car door on it. When he was asked why he did not indicate in his use of force report that he made this statement, he stated that he did not believe that statement to have been pertinent to the use of force. NE#1 told OPA that he made this statement in order to gain compliance, not because he was actually intending on slamming the door on her.

NE#1 indicated that he then began to close the door and "it literally touched her foot, and she screamed, ow ow ow..." NE#1 opined that if the door made contact with the Complainant's foot, "it was less than a pound or two of pressure." On several other occasions during his OPA interview, NE#1 indicated that the door made contact, even if minimal, with the Complainant's person. This was a significant discrepancy from NE#1's prior reporting, when he affirmed that the door did not make contact with the Complainant's person.

NE#1 recounted that he apologized to the Complainant, but that he did so only to stabilize the situation so that he could leave the scene, not because he actually slammed the door on her.

OPA interviewed NE#1 on a second occasion to resolve some of the discrepancies from his first interview. NE#1 stated that his use of force report, which was written immediately after the incident, was the most accurate source of information as to what had occurred. He stated that prior to his OPA interview, which occurred several months after the incident, he did not re-read his report or review the ICV.

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.*)

Had NE#1 slammed the patrol car door on the Complainant’s legs, that conduct clearly would have been outside of policy. Here, however, NE#1 claims that he did not do so and that the door never actually made contact with the Complainant’s person. While I note that there are discrepancies in NE#1’s various statements, he contends that his use of force report and his second interview with OPA are accurate. I credit his account that his inaccuracies are based on his failure to review the ICV and his report prior to his first interview.

Based on my review of the video, it does not appear that the car door was ever slammed on the Complainant’s legs or feet. As such, while I think it was inadvisable for NE#1 to threaten to slam the door on the Complainant, I do not find that he used excessive force in violation of Department policy. Accordingly, I recommend that this allegation be Not Sustained – Unfounded.

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