



## **CLOSED CASE SUMMARY**

ISSUED DATE: FEBRUARY 3, 2018

CASE NUMBER: 2017OPA-0878

### **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 (Inconclusive)
# 2	5.001 - Standards and Duties 9. Employees Shall Strive to be Professional at all Times	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 pushed her backwards and treated her disrespectfully.

#### **ANALYSIS AND CONCLUSIONS:**

##### **Named Employee #1 - Allegation #1**

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

Officers, including Named Employee #1 (NE#1), responded to a 911 call for service. When the officers arrived at the location, they observed a nude woman in a bathtub who was bleeding. NE#1 reported that she was bleeding “heavily.” The 911 caller – the Complainant in this case – was present in the apartment. Seattle Fire Department (SFD) personnel arrived and NE#1 reported that they were “increasingly worried” about the victim’s health and informed NE#1 that she needed immediate medical attention. NE#1 tried to get the victim to accept medical treatment but she refused. NE#1 then decided that she would have to be involuntarily detained in order to provide her with care.

NE#1 reported that the Complainant attempted to access the bathroom and he repeatedly asked her not to do so. The bathroom was small and he was trying to ensure that there was sufficient space for SFD and medics to provide the victim with potential lifesaving medical treatment. NE#1 stated that the subject did not comply with his requests to move back from the bathroom and he moved towards her with his arms outstretched to push her back if necessary. At his OPA interview, NE#1 stated that he did not recall whether he actually made physical contact with NE#1.

The Complainant, to the contrary, alleged that NE#1 pushed her chest with both hands, shoving her backwards. She alleged that this conduct constituted excessive force.

The In-Car Video (ICV) only recorded the audio of NE#1’s interaction with the Complainant, there was no video. While, on the ICV, the Complainant stated “don’t touch me”, it is unclear whether she was actually shoved or was preemptively telling NE#1 not to do so.



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Ultimately, given the disputes of fact and lack of video evidence, I cannot conclusively determine what force was actually used and whether that force was consistent with policy. As such, I recommend that this allegation be Not Sustained – Inconclusive.

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

**Named Employee #1 - Allegation #2**

***5.001 - Standards and Duties 9. Employees Shall Strive to be Professional at all Times***

The Complainant alleged that NE#1 treated her disrespectfully and acted unprofessionally. She stated that he would not answer her questions and he assaulted her. The Complainant contended that she was not interfering with NE#1's ability to provide the victim with aid as SFD, not NE#1, was interacting with the victim at that time.

NE#1 stated that he was concerned with the well-being of the victim and trying to ensure that she received medical care. NE#1 stated that the Complainant kept trying to interfere and he continually tried to prevent her from doing so. NE#1 told OPA that he did not perceive his actions or statements to have been rude or unprofessional.

The ICV captured much of the conversation between NE#1 and the Complainant. The ICV recorded NE#1 telling the Complainant to back up and to leave the bathroom on numerous occasions. He then told the Complainant that she was "interfering in a police operation." At one point, the Complainant stated "don't touch me," but, as explained above, the audio is inconclusive as to whether force was used. At another point, the ICV reflected that NE#1 and the Complainant began arguing and NE#1 stated: "You stepped within a few inches of my face and you're lucky you aren't on the ground."

From my review of the ICV, both the Complainant and NE#1 were heated at times during their interaction. The Complainant was concerned about the victim. However, NE#1 was as well. He was also concerned with clearing the bathroom to provide the victim with medical care, which was complicated by the fact that the victim was refusing to cooperate. As such, I find that both were dealing with a difficult situation that was amplified by their inability to adequately and effectively communicate.

I find that NE#1 was clearly frustrated as reflected by some of his comments both during and after his interaction with the Complainant. I also believe that his statement to the Complainant that she was lucky that she wasn't on the ground was borderline inappropriate. However, based on the totality of the record and on the stressful and unique circumstances of this case, I do not find that NE#1's conduct violated policy. I believe that he was genuinely concerned with the victim's health and was confronted by a fast-evolving situation that was made more complicated by his interaction with the Complainant. While I believe that he could possibly have been calmer and more courteous, I do not find that he acted contrary to policy in this instance. As such, I recommend that this allegation be Not Sustained – Unfounded.

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