



CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 12, 2019

CASE NUMBER: 2018OPA-0820

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)

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 subjected him to excessive force by hitting his head on the door frame when placing him in the patrol vehicle and then hitting his knee with the patrol vehicle door.

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

The Complainant was handcuffed, detained, and escorted to the rear of the patrol vehicle by Named Employee #1 (NE#1). NE#1 opened the patrol vehicle’s door and was assisting the Complainant into the back seat when the Complainant’s head inadvertently struck the door frame of the car. The Complainant immediately complained of pain. In response, NE#1 apologized and stated he would get the Complainant medical attention.

NE#1 later opened the patrol vehicle’s door and began to interview the Complainant. When he was finished, he closed the door and it struck the Complainant’s knee. From a review of the rear In-Car Video (ICV), it appears that the Complainant moved his leg to place his knee in the way of the door, which may have been the cause of it getting struck when the door was closed. When his knee was hit by the door, the Complainant cried out in pain.

The Complainant alleged to a Department supervisor that NE#1 deliberately subjected him to excessive force. The supervisor 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.*)

Based on a review of the evidence – most notably, the Department video, NE#1 did not deliberately use force on the Complainant. Instead, the Complainant hit his head on the patrol vehicle’s door due to an accident. Moreover, the rear ICV established that the Complainant moved his knee towards the patrol vehicle’s door when it was closing and that this action contributed to his knee being struck by the door. Again, this was not a deliberate use of force on NE#1’s part and was inadvertent.

As I do not find that NE#1 ever purposefully used force on the Complainant and that any injuries that the Complainant ultimately suffered were due to accidents, I recommend that this allegation be Not Sustained – Unfounded.

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