



CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 15, 2019

CASE NUMBER: 2018OPA-0888

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)

Named Employee #2

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 the Named Employees subjected him to excessive force during his arrest.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

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

Named Employee #1 (NE#1) and Named Employee #2 (NE#2) were dispatched to a disturbance in a parking garage. It was determined that the Complainant was causing property damage to a vehicle based on a statement from a witness who had watched video of the Complainant engaging in this behavior. NE#1 and NE#2 contacted the Complainant, who was determined to be intoxicated. The Complainant was sitting next to the vehicle that he had damaged. The Complainant was arrested and placed into the back of a patrol vehicle without incident. Department video captured the arrest of the Complainant. At that time, no force other than that needed to safely handcuff him and to place him into the rear of the patrol vehicle was used.

After his arrest, the Complainant was interviewed by a supervisor. At that time, the Complainant complained that his wrists were broken by the Named Employees when they slammed him onto the patrol vehicle. The Complainant was examined by the Seattle Fire Department, and it was determined that the Complainant did not have any broken bones.

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.)



NE#1 and NE#2 had reasonable suspicion to contact the Complainant and later developed probable cause to arrest him. Department video established that only de minimis force was used on the Complainant and that, at no point, was he slammed into the patrol vehicle or were his wrists broken. I find that these allegations are without any evidentiary support and are completely unsubstantiated. With regard to the low-level force that the Named Employees did use, I conclude that it was reasonable, necessary, and proportional, and, thus, consistent with policy. Ultimately, given that the specific allegation made by the Complainant concerned force that never occurred, I recommend that this allegation be Not Sustained – Unfounded as against both Named Employees.

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

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 – Unfounded.

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