



CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 22, 2019

CASE NUMBER: 2018OPA-0901

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 Subject of an arrest made allegations that officers used excessive force when they arrested him and that they "slammed him to the ground" and "assaulted" him.

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 - Allegations #1

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

Named Employee #1 (NE#1) was dispatched to a crisis call. The Complainant was alleged to be armed with a handgun. When officers arrived, they spoke with the Complainant’s mother. She told them that the Complainant had fired the handgun inside of the house. The Complainant’s mother further stated that the Complainant’s girlfriend was still inside. As officers were setting up containment and engaging in tactical planning, the Complainant came out of the house. Officers gave the Complainant commands to stop and the Complainant laid down and spread out his arms. NE#1 then approached with other officers and he handcuffed the Complainant without incident. The Complainant did not make any complaints of pain or injury at that time.

When he was interviewed by a supervisor, the Complainant stated that NE#1 tightened his handcuffs. The Complainant also later alleged that NE#1 slammed him to the ground and put a knee into his back. The Complainant asserted that NE#1’s conduct constituted an assault.

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 my review of the record, including the Department video that fully captured the incident, there is no evidence supporting the Complainant’s allegations that NE#1 deliberately tightened his handcuffs, that he was slammed onto the ground, or that he was assaulted. While NE#1 may have placed a knee into the Complainant’s back, this was done to stabilize the Complainant’s body in order to facilitate his handcuffing. That force was reasonable, necessary, and proportional, and, thus, consistent with policy.

Ultimately, given that the majority of the conduct alleged by the Complainant to have constituted excessive force did not occur, I recommend that this allegation be Not Sustained – Unfounded.

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