



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-1308

Issued Date: 05/08/2017

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 8.200 (1) Using Force: When Authorized (Policy that was issued September 1, 2015)
OPA Finding	Not Sustained (Lawful and Proper)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 8.200 (1) Using Force: When Authorized (Policy that was issued September 1, 2015)
OPA Finding	Not Sustained (Lawful and Proper)
Final Discipline	N/A

Named Employee #3	
Allegation #1	<u>Seattle Police Department Manual</u> 8.200 (1) Using Force: When Authorized (Policy that was issued September 1, 2015)
OPA Finding	Not Sustained (Lawful and Proper)
Final Discipline	N/A

Named Employee #4	
Allegation #1	<u>Seattle Police Department Manual</u> 8.200 (1) Using Force: When Authorized (Policy that was issued September 1, 2015)
OPA Finding	Not Sustained (Unfounded)
Allegation #2	<u>Seattle Police Department Manual</u> 11.010 (17) Detainee Management in Department Facilities: Officers Will Seek Medical Assistance for Detainees (Policy that was issued Effective December 19, 2012)
OPA Finding	Not Sustained (Lawful and Proper)
Final Discipline	N/A

Named Employee #5	
Allegation #1	<u>Seattle Police Department Manual</u> 8.200 (1) Using Force: When Authorized (Policy that was issued September 1, 2015)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

Named Employee #6	
Allegation #1	<u>Seattle Police Department Manual</u> 11.010 (17) Detainee Management in Department Facilities: Officers Will Seek Medical Assistance for Detainees (Policy that was issued Effective December 19, 2012)
OPA Finding	Not Sustained (Lawful and Proper)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employees responded to a call at a night club and eventually arrested the complainant.

COMPLAINT

The complainant alleges the Named Employees used excessive force when taking her from a night club to the station and neglected her when she became sick in the cell.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint
2. Search for and review of all relevant records and other evidence
3. Review of In-Car Videos (ICV)
4. Interviews of SPD employees

ANALYSIS AND CONCLUSION

Named Employee #1 used de minimis force to control, handcuff and escort the complainant up from the ground and to the precinct. Named Employee #2 used de minimis force to control, handcuff and escort the complainant up from the ground. Named Employee #3 used de minimis force to escort the complainant from the place of her arrest to the precinct. There was probable cause to arrest the complainant for the crime of Assault. Given the totality of the circumstances, the use of de minimis force by Named Employees #1, #2, and #3 was reasonable, necessary and proportional.

The preponderance of the evidence from this investigation showed that Named Employees #4 and #5 did not use any force against the complainant.

The preponderance of the evidence from this investigation showed that Named Employees #4 and #6 took reasonable and necessary steps to assist the complainant who was being ill in the holding cell and were aware that Fire Medics had been summoned and arrived to provide her medical aid.

FINDINGS

Named Employees #1, #2, and #3

Allegation #1

Given the totality of the circumstances, the use of de minimis force by Named Employees #1, #2, and #3 was reasonable, necessary and proportional. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Using Force: When Authorized*.

Named Employee #4

Allegation #1

A preponderance of the evidence showed that Named Employee #4 did not use any force against the complainant. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Using Force: When Authorized*.

Allegation #2

A preponderance of the evidence showed that Named Employee #4 took reasonable and necessary steps to assist the complainant. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Detainee Management in Department Facilities: Officers Will Seek Medical Assistance for Detainees*.

Named Employee #5

A preponderance of the evidence showed that Named Employee #5 did not use any force against the complainant. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Using Force: When Authorized*.

Named Employee #6

A preponderance of the evidence showed that Named Employee #6 took reasonable and necessary steps to assist the complainant. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Detainee Management in Department Facilities: Officers Will Seek Medical Assistance for Detainees*.

NOTE: The Seattle Police Department Manual policies cited for the allegation(s) made for this OPA Investigation are policies that were in effect during the time of the incident. The issued date of the policy is listed.