



CLOSED CASE SUMMARY

ISSUED DATE: JUNE 6, 2018

CASE NUMBER: 2017OPA-1280

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 intentionally caused pain to his wrist, thus subjecting him to excessive force.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

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

After his arrest, the Complainant alleged to a Department supervisor that Named Employee #1 (NE#1) “grabbed” his wrist “purposefully to hurt” him. While the supervisor reviewed the relevant Body Worn Video (BWV) and saw no evidence of any misconduct on the part of NE#1, consistent with Department policy, the supervisor construed the Complainant’s statement as an allegation of excessive force and referred this matter to OPA. This investigation ensued.

During its intake investigation, OPA reviewed the paperwork connected to this matter and the BWV. OPA determined that, at one point, NE#1 held the Complainant’s wrist while another officer attempted to search his person. NE#1 documented in a Type I use of force report that the Complainant asserted that his wrist hurt at the time she took hold of it. She reported that she was holding the Complainant’s arm and wrist above where she believed the injury was located. NE#1 did, however, reposition her hold in an attempt to ensure that the Complainant was suffering as little discomfort as possible. The Complainant’s complaint of pain and the force NE#1 used was documented and later thoroughly reviewed by NE#1’s supervisors.

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 noted that the Complainant appeared to be intoxicated, was slow to follow commands, and was upset by his arrest. She believed that it was necessary for officer safety to secure the Complainant by holding his wrist and arm. Based on my evaluation of the totality of the facts and circumstances of this case, I find that this force was reasonable, necessary, and proportional.

Given that the Complainant was under arrest, the officers had the legal right to search his person. NE#1's reasonable perception that the Complainant presented a potential threat to safety warranted her use of a control hold to secure him. This force was also necessary under the circumstances to effectuate these lawful goals. Lastly, the force was proportional to the potential threat posed and was only that level of force necessary to safely effectuate the search. While it is unfortunate that the Complainant experienced pain from this interaction, there is no evidence that this pain was purposefully caused by NE#1. Instead, it was the result of permissible force that was consistent with Department policy and training.

For these reasons, I recommend that this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained (Lawful and Proper)**