



CLOSED CASE SUMMARY

ISSUED DATE: AUGUST 21, 2018

CASE NUMBER: 2018OPA-0525

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)

Named Employee #2

Allegation(s):		Director’s Findings
# 1	8.200 - Using Force 1. Use of Force: When Authorized	Not Sustained (Lawful and Proper)

Named Employee #3

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 he was subjected to excessive force by the Named Employees during his arrest.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

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

On the date in question, the Named Employees saw the Complainant exiting a residence while carrying various property. The officers were aware that the Complainant had an open warrant. The officers approached the Complainant, informed him of the open warrant, and told him that he was under arrest. The Complainant told the officers that he did not have a warrant and, when the officers were trying to take him into custody, he attempted to flee the scene.

The officers held on to him and prevented him from fleeing. The Complainant continued to try to flee and the officers took the Complainant down to the ground. While on the ground, the Complainant continued to actively struggle against the officers in an apparent attempt to prevent himself from being arrested. After an extended period of time, and after additional backing units arrived on the scene, the Complainant was subdued and handcuffed.



The Complainant made numerous complaints during the force application. Most notably, the Complainant complained that the officers had injured his knee, to which he had a pre-existing injury. He further alleged that the officers hurt his fingers during the handcuffing.

Based on the Complainant's injuries, which were construed to allege an excessive force claim, this matter was referred to OPA by a Department supervisor. This investigation ensued. OPA classified this matter as an Expedited Investigation with the review and approval of the OPA Auditor.

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, the force used by the Complainant was consistent with policy. First, it was reasonable to control the Complainant's body and to handcuff him. This was particularly the case given that the Complainant was being arrested for an open warrant and was attempting to flee at the time. It was further necessary to effectuate the Named Employees' lawful purpose of securing the Complainant and I believe that there was no reasonable alternative to that force that was apparent to the officers at the time. Lastly, the force used was proportional to the potential threat that the Complainant presented to both the officers and others when he attempted to flee the scene. Notably, only that force needed to handcuff the Complainant was used. The officers never struck or otherwise harmed him. That he alleged that this incident caused him to incur several injuries is certainly unfortunate; however, it was a result of lawful force.

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

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

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 – Lawful and Proper.

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

Named Employee #3 - 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 – Lawful and Proper.



Seattle
Office of Police
Accountability

CLOSE CASE SUMMARY

OPA CASE NUMBER: 2018OPA-0525

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