



## **CLOSED CASE SUMMARY**

ISSUED DATE: FEBRUARY 27, 2019

CASE NUMBER: 2018OPA-0887

### **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)

***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.

**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 Employees. As such, the Named Employees were 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***

The Named Employees responded to Harborview Medical Center to investigate an assault on a nurse. Based on the Named Employees’ investigation, probable cause was developed to arrest an individual, who is the Complainant in this case.

Following his arrest, the Complainant refused to walk on his own power and pushed his legs backwards making it difficult for the Named Employees to escort him to the patrol vehicle. Named Employee #1 (NE#1) took hold of the Complainant’s left arm and Named Employee (NE#2) took hold of the Complainant’s right arm. As he was being escorted to the patrol vehicle, the Complainant complained of pain and alleged that the officers were smacking him around and roughing him up. The Complainant repeated these allegations to the screening Sergeant, who later filed this complaint with OPA on the Complainant’s behalf.



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As part of its investigation, OPA reviewed the documentary evidence generated, as well as watched the Body Worn Video (BWV) that fully captured this incident. OPA made multiple efforts to contact the Complainant; however, the Complainant failed to return attempts for contact and, accordingly, was not interviewed as part of this investigation.

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 a review of the evidence, including the BWV, I find that the force used on the Complainant was reasonable, necessary, and proportional. The force solely consisted of the Named Employees placing the Complainant into handcuffs and then holding his arms in order to escort him to the patrol vehicle. This force was de minimis and consistent with policy. Further the BWV video contradicts the Complainant’s allegations that the Named Employees smacked him around and roughed him up. These allegations are clearly false.

For these reasons, I recommend that this allegation be Not Sustained – Lawful and Proper as against both Named Employees.

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

**Named Employee #2 - Allegations #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)**