



CLOSED CASE SUMMARY

ISSUED DATE: JULY 30, 2019

CASE NUMBER: 2019OPA-0148

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	8.200 - Using Force - 1. 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 subjected her to excessive force.

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the Office of Inspector General’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. When Authorized

Named Employee #1 (NE#1) and other officers responded to a report of a suicidal female who reportedly poured lighter fluid on herself. After officers arrived and made contact with the female, who is the Complainant in this case, she admitted to spreading lighter fluid around her apartment to make her boyfriend believe that she would ignite it; however, she stated that she had no intentions of actually doing so. NE#1 spoke with the Complainant who shared information about her mental health history, as well as concerning the fact that she had used drugs and alcohol earlier in the day. The officers reported that, after the Complainant was informed that she was going to be involuntarily admitted to the hospital for a mental health assessment, she started pushing them and yelling that she was not going to the hospital. NE#1 and other officers documented that they responded to the Complainant’s resistance by using force necessary to get her under control and into custody. The force used during this incident was reviewed by the responding officers’ chain of command, who found it to be consistent with policy.

During its investigation, OPA made multiple attempts to interview the Complainant but were unsuccessful. Thus, she was not ultimately interviewed.



A Sergeant interviewed the Complainant during his screening of the arrest and the use of force. OPA obtained and reviewed a copy of the Sergeant's recorded interview with the Complainant. During that interview, the Complainant told the Sergeant that she was "still drunk" when officers arrived, and that she consumed approximately a bottle's worth of alcohol, which consisted of a mixture of "tequila rose" and "butterscotch schnapps." In discussing the use of force, the Complainant stated that something "triggered" inside her when she encountered a female officer attempting to gain control of her. The Complainant stated that this made her want to fight more because she has issues with females. The Complainant also asserted that her left wrist hurt because NE#1 had to pull her wrist out because she was "fighting." The Complainant asked the Sergeant to tell NE#1 that there are no "hurt feeling," and she described NE#1 as a "big teddy bear."

OPA reviewed the Body Worn Video (BWV) associated with this incident and found it to be consistent with the SPD reports that were generated. Additionally, OPA found no video evidence that showed NE#1 kneeling the Complainant in the back or anywhere else on her body.

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.*)

The Complainant's initial contact with NE#1 and other officers, along with her arrest, handcuffing, and her subsequent communication with the Sergeant, were all recorded. The BWV and audio evidence establish that the conduct alleged by the Complainant did not occur. Based on this same evidence, OPA further concludes that the force used during this this incident was reasonable, necessary, and proportional, and, thus, consistent with policy. For these reasons, I recommend that this allegation be Not Sustained – Lawful and Proper.

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