



## OFFICE OF POLICE ACCOUNTABILITY

### Closed Case Summary

Complaint Number 2017OPA-0663

Issued Date: 02/20/2018

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

#### **INCIDENT SYNOPSIS**

The Named Employee was dispatched to a fight in progress.

#### **COMPLAINT**

The complainant alleges that the Named Employee used excessive force when he detained and handcuffed the complainant.

#### **INVESTIGATION**

The OPA investigation included the following actions:

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

## ANALYSIS AND CONCLUSION

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.*)

Here, the stop and detention of the complainant was not classified for investigation (because the only complaint made was that Named Employee #1 engaged in excessive force); however, it is important to briefly discuss this in the context of evaluating the force used by Named Employee #1. Named Employee #1 received information detailing two different descriptions of the perpetrator – one that matched the complainant and one that matched the complainant’s brother. While Named Employee #1 was directly told by the witness that the perpetrator was wearing a denim jacket, Named Employee #1 reported that he “did not retain” that fact. Even had he done so, it would have been reasonable to detain both the complainant and the complainant’s brother due to the multiple different descriptions received in order to conduct an investigation to determine who the perpetrator was. As such, even if Named Employee #1’s belief that the complainant was the primary suspect was ultimately misplaced, the OPA Director found that he had the legal authority to temporarily detain the complainant and acted reasonably in doing so.

Notably, at the time that he made the initial contact, Named Employee #1 appeared to be the sole officer in the vicinity. As such, and based on what Named Employee #1 perceived as the complainant’s continued failure to obey his orders, it was reasonable to place him into handcuffs for officer safety and to control the scene. Moreover, the actual force used to place the complainant into handcuffs appeared, from the OPA Director’s review, to be reasonable. While Named Employee #1 pulled the complainant’s arms behind his back, he did not twist them or appear to cause the complainant any undue pain or discomfort. At no point during the video did the OPA Director hear the complainant assert that he was in pain. Named Employee #1 did not use any other force. The OPA Director further found the force to have been necessary. Named Employee #1 reasonably believed that the complainant was a potential suspect in an assault and engaged in the lawful act of detaining him to conduct further investigation. When Named Employee #1 determined that the complainant was not compliant with his directions, again reasonably in the OPA Director’s opinion, he was permitted to temporarily secure him in handcuffs. Lastly, the OPA Director found that the force was proportional, as Named Employee #1 used only that level of force needed to fulfill the lawful objective of ensuring officer safety during the pendency of the investigation.

## FINDINGS

### **Named Employee #1**

#### Allegation #1

The preponderance of the evidence showed that Named Employee #1’s use of force was reasonable, necessary, and proportional. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Using Force: Use of Force: When Authorized*.

*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.*