



CLOSED CASE SUMMARY

ISSUED DATE: APRIL 24, 2019

CASE NUMBER: 2018OPA-1067

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. Specifically, the Complainant told the screening sergeant that the Named Employees jumped on him, slammed him down and jerked his arm around to handcuff him.

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 Complainant in the case was contacted by the Named Employees because he and others appeared to the officers to be situated in a no-trespass area. A database of the Complainant’s name revealed an open felony warrant. At the time that this information was verified, the Complainant started to run away from the officers; however, he slipped and fell to the ground almost immediately after doing so. The Named Employees caught up with the Complainant and applied pressure to his upper back to hold him onto the ground. Named Employee #1 (NE#1) then pulled the Complainant’s right arm behind his back and placed him into handcuffs with the assistance of Named Employee #2 (NE#2). At some point during the arrest, the Complainant suffered a small abrasion to his chin. The Complainant later alleged to both a Department supervisor and OPA that he was subjected to excessive force. He stated that the officers jumped on him and slammed him to the ground.



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.*)

I find that the force used on the Complainant was reasonable, necessary, and proportional to handcuff the Complainant and to keep him under control in order to place him under arrest. Further the Body Worn Video of this incident video does not support the allegations made by the Complainant. For these reasons, and based upon the objective evidence, 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)**