



CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 15, 2019

CASE NUMBER: 2018OPA-0756

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.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

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

The Complainant alleged that the Named Employees slammed his head into the ground, thus subjecting him to excessive force.

The Named Employees were involved in a narcotics operation and were part of the arrest team. During that operation, an officer recognized the Complainant and knew that he had an open warrant. The officer asked the Named Employees to detain the Complainant. The Named Employees stopped the Complainant and explained to him why he was being detained. They further asked for his identification. The Complainant was uncooperative and gave physical indications that he was going to flee from the Named Employees. The Complainant gave the Named Employees a false name and, shortly thereafter, attempted to run away.

The Named Employees used trained techniques to stop the Complainant from fleeing and caused him to sit down. The Complainant then went into the fetal position in effort to stop the Named Employees from handcuffing him. The Named Employees used trained techniques to handcuff the Complainant.

After he was handcuffed and secured, the Complainant told a Department supervisor that the Named Employees slammed his head into the ground. As a result of this allegation, the Named Employees were ordered to complete Type II use of force reports and this matter was referred to OPA.



SPD Policy 8.200-POL-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-POL-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, and most notably the Body Worn Video (BWV), I conclude that the force used by the Named Employees was reasonable, necessary, and proportional to take the Complainant into custody, prevent him from fleeing, secure his person, and to handcuff him. The BWV further disproves the Complainant’s allegation that the Named Employees slammed his head into the ground. As such, 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)**