



CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 19, 2021

FROM: DIRECTOR ANDREW MYERBERG
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2020OPA-0491

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)
# 2	8.200 - Using Force 2. Use of Force: When Prohibited	Not Sustained (Unfounded)

Named Employee #2

Allegation(s):		Director’s Findings
# 1	8.200 - Using Force 1. Use of Force: When Authorized	Not Sustained (Lawful and Proper)

Named Employee #3

Allegation(s):		Director’s Findings
# 1	8.200 - Using Force 1. Use of Force: When Authorized	Not Sustained (Lawful and Proper)
# 2	6.010-POL - Arrests 1. Officers Must Have Probable Cause That a Suspect Committed a Crime in Order to Effect an Arrest	Not Sustained (Lawful and Proper)

Named Employee #4

Allegation(s):		Director’s Findings
# 1	11.010 – Detainee Management 9. Officers Will Seek Medical Assistance for Detainees	Not Sustained (Unfounded)

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 arrested her without cause, and in doing so used excessive force. She specifically asserted that officers used a knee to the back of her neck, causing injury and impeding her breathing. The Complainant also alleged that the Named Employees and other SPD officers ignored her requests for medical assistance.

SUMMARY OF INVESTIGATION:

This case arises out of the demonstrations that occurred within Seattle and across the nation in the wake of the killing of George Floyd by a Minneapolis Police Officer. These protests were unprecedented in scope and were directed at law enforcement.



The specific incident at issue here occurred during a “Solidarity with PDX” demonstration on July 25, 2020, which occurred on Broadway, near the Seattle Central Community College campus. An estimated 4,000 to 5,000 demonstrators attended demonstration events on Capitol Hill. That afternoon, a significant number gathered around the SPD East Precinct and, while there, persons in the crowd detonated an explosive device that damaged the precinct. This occurred in conjunction with other arson events, as well as the throwing of objects at police. At approximately 4:45 PM, SPD declared a riot in the area around the East Precinct and issued dispersal orders. SPD then made a series of pushes to disperse the crowd.

At about 5:30 PM, during one of these pushes north on Broadway Avenue, Named Employee #1 (NE#1) and Named Employee #2 (NE#2) were assigned as bicycle officers supporting the front line of officers making the push. Their squad was commanded by a sergeant, Named Employee #3 (NE#3). When the police line advanced past a bus stop near Seattle Central College, a blue-shirted individual appeared to walk backward while filming the officer line more slowly than the line was advancing. He did not heed officer warnings to move back and leave the area and the decision was made to arrest him. A group of officers (not named in this complaint since they did not interact with the Complainant) began arresting that individual.

When they did so, two other individuals, the Complainant in this case and her husband turned from walking away to move back toward the officers effecting the arrest. Both were dressed in heavy black clothing and wearing backpacks. The Complainant was also wearing a three-quarters-style motorcycle helmet, two N-95 masks, and ski goggles. The Complainant and her husband moved toward the officers arresting the individual, and the Named Employees in this investigation then arrested them.

Shortly thereafter, the Complainant filed this complaint with OPA. When interviewed, she stated that, at the time of the incident, she and her husband were “walking away” from the advancing police line and saw officers tackle the blue-shirted individual for no reason. She stated that she and her husband “went to help a man [the individual], who was not part of the protest and tackled by police for no reason.” She stated that she and her husband were then “attacked” by the officers without cause and shoved to the ground. During the incident, she felt her helmet being “ripped off” and felt several officers on top of her. She alleged feeling: “a knee in my neck, on the back of my neck shoving me down.”

The Complainant further alleged that, while facedown, her goggles and masks were “squished on my face so I couldn’t breathe [...] because of that and because of being kneeled on my neck.” She stated that the knee was below the bottom of her head and above her shoulder blades. She stated that she recalled yelling that she could not breathe and for the officers to stop hurting her.

After the arrest, the Complainant alleged that she was taken to the West Precinct where she was placed in a holding cell and that, while there, she experienced severe pain. She stated that she was seated on the floor and did not attempt to speak or flag down officers because she did not feel able to do so given the pain and the lack of officers checking on her. Later, she was transported to King County Jail, where she received some medical attention before being discharged. The Complainant also stated a complaint regarding her treatment by medical personnel at the King County Jail. She stated that she saw a doctor the next day and was diagnosed with a protruding disc. She contended during her interview that she believed an officer placed his knee on her neck “with full-body force,” causing the injury.



OPA also interviewed her husband. He stated that he saw the arrest of the blue-shirted individual. He said that “if you did not move back you would be swallowed [by the officers] which was exactly what happened to someone in front of us.” He told OPA that he and the Complainant moved forward and “tried to help, I guess I moved forward to help him in some way,” and that he was tackled before he could get a hand on the individual.

He recalled that, after being taken to ground, it was difficult for him to see, but that at one point he recalled observing the Complainant “on the ground being handcuffed and someone on top of her.” When asked to describe the handcuffing, W#1 stated that “officers were kneeling down to keep us down. I don’t know if they were using their hands, but [...] there was pressure on top of us to keep us on the ground.” When asked if he observed a knee on the Complainant’s neck, he stated that he “cannot say he personally saw it.” He stated that he heard her say “I can’t breathe” at one point, and that after that “happened there was a movement, something moved off her, like some pressure removed off her. I don’t know if that was on her neck or what part of her but there was movement based on her screaming that.” He estimated that the handcuffing took between 20 and 30 seconds. W#1 stated that subsequently, the Complainant looked “in pain” at the jail. He stated that he could not recall when the Complainant made her complaint of pain.

With respect to the complaint regarding medical staff at the King County Jail, OPA transferred that complaint to the King County Adult and Juvenile Detention Internal Investigations Unit. With respect to all other allegations, OPA initiated the following investigation.

OPA located Body Worn Video of several officers (including the Named Employees) that captured the incident. NE#3’s BWV showed the initial contact with the Complainant and her husband. As officers arrested the blue-shirted individual who was standing in front of the police line, NE#3’s BWV recorded the Complainant and her husband walking directly toward the officers conducting the arrest. NE#3’s BWV showed the Complainant and her husband approaching within approximately two to three feet from the arresting officers, facing the officers with arms outstretched.

As they did so, NE#3 went hands-on with first the Complainant, and then with her husband. NE#3 used his left arm to reach up and grab the Complainant over her right shoulder. Frame-by-frame analysis of the BWV showed that his hand appeared to grab her jacket in the left shoulder area, causing the motorcycle helmet she was wearing to become dislodged. The Complainant appeared to bend at the waist and fell down and backward, landing on her buttocks.

Her husband, who was standing on the other side of the Complainant, turned to face toward the Complainant and NE#3. NE#3 went hands-on with him as well, and NE#3’s BWV appeared to show that her husband went to ground to the Complainant’s right side. Once on the ground, the Complainant and her husband began bear-hugging each other.

NE#1, one of the bicycle officers in NE#3’s squad, moved in and grabbed the Complainant by her left arm. At approximately the same time, NE#2 grabbed the Complainant by her ankle. NE#1 and NE#2 pulled the Complainant away from her husband, who was being detained by NE#3. As they did so, the Complainant rolled onto her back and began to sit up, and NE#2 took control of her right arm. NE#1 could be heard directing the Complainant to get on her knees. NE#1 and NE#2, holding the Complainant by her arms, rolled her onto her stomach. NE#1’s BWV depicted the position of NE#2’s knees. One knee, pointed toward the Complainant’s feet, rested on the ground. NE#2’s right knee, which pointed toward the Complainant’s head, was raised up with his foot on the ground. At this point, the



angle of NE#1's BWV made it difficult to see either officers' knees. NE#1 and NE#2 began handcuffing the Complainant.

As NE#1 and NE#2 were handcuffing the Complainant, she could be heard on BWV stating (evidently to her husband): "okay, okay. I'm okay." To the officers, she shouted: "that's my husband, get off him!" At approximately this time, NE#1 and NE#2 finished handcuffing the Complainant.

BWV of a fourth officer (not named) showed NE#1's and NE#2's positioning. Frame by frame analysis showed that NE#2's knee was pressed against the Complainant's right shoulder around or slightly below the shoulder blade. The Complainant's head was visible and turned toward the fourth officer's BWV. Behind her head, NE#1's left knee was visible. Based on the angle of NE#1's knee, thigh, and calf (which was partly visible), his knee did not appear to be pressed to the Complainant's shoulder, back, or neck but rather on the ground. During this time, the Complainant was still identifying her husband and telling officers to get off him.

The Complainant then stated, while still lying facedown: "I can't breathe, get my mask off. I can't breathe, move my mask." The fourth officer's BWV, which showed the Complainant's face, masks, and goggles, showed that the strap of her goggles had moved down her head from their prior position above her ears. NE#1 and NE#2 rolled the Complainant onto her left shoulder. NE#3 retrieved a utility knife from his equipment belt to remove the Complainant's backpack. As he did so, the Complainant looked at him and said: "move my mask." When NE#3 leaned down, she said: "off my nose, I can't breathe." NE#2 adjusted the Complainant's N-95 mask by pulling it out and down in a way that would relieve pressure on her nose, and then moved her goggles up. Before doing so, NE#3 told her: "I'm going to cut your backpack off, don't move." Once the bag was removed, NE#2 told the Complainant: "I'm going to rotate you onto your side and then I'm going to stand you up, okay? So go ahead and rotate. Stand up on the count of three." NE#1 counted to three and she stood with NE#1 bracing her shoulder as she did so.

In the background, NE#3 could be heard stating that the Complainant and her husband were under arrest for "obstruction for unarrest." NE#1 read the Complainant Miranda warnings, which she acknowledged. Bystanders who appeared affiliated with the demonstration group asked the Complainant for her name, and the Complainant gave her name and that of her husband. She then coughed several times, and NE#1 asked if she wanted her mask adjusted further. The Complainant nodded, and NE#1 adjusted her mask. He collected identifying information from the Complainant. She then asked about her motorcycle helmet, and NE#1 had another officer retrieve it. NE#1 then escorted the Complainant to a prisoner transport van and she was taken to the West Precinct.

After OPA completed its review of BWV, the Complainant submitted third-party video which captured parts of this incident. OPA compared the video to the BWV summarized above. Based on OPA's review, the video did not show any officer, including the Named Employees, compressing the Complainant's neck with a knee. The sections of the video depicting this incident were otherwise consistent with what was shown on BWV.

OPA requested security video footage from the West Precinct. Though the security video footage does not include sound, it showed the Complainant arriving in a transport van. It also showed the Complainant walking unassisted in the holding area, accompanied by several officers who took photographs before escorting her to a holding cell. This process took approximately four minutes. There was also security video footage of the holding cell itself, where the Complainant waited for approximately an hour and 40 minutes. During this time, the footage was not inconsistent with her statement to OPA and depicted her standing for a time before sitting against the wall. Eventually, the Complainant was escorted from the holding cell to the sally port by several officers. She was shown apparently



speaking to officers and made a slight jumping motion as though potentially attempting to shout to her husband, who was in the adjacent holding cell. At the direction of an officer she then walked unaided toward the sally port, where security footage showed her entering a transport van to go to the King County Jail.

OPA examined the officers' arrest reports for this incident. NE#1 wrote in his report that he observed the Complainant and her husband "advancing toward the arrest [of the individual]" and that his view was briefly obscured. He then saw NE#3, his supervisor, "pulling them both to the ground" where they "embraced each other in what appeared to be an attempt to interfere with their own arrest." He described the arrest consistent with the above summary of BWV.

Elsewhere in the report, NE#1 described a briefing about "de-arrest" tactics. He stated that, during the roll call briefing for the day's events, he was notified that information about "'de-arrest' (the practice of dragging a suspect away from officers while they are effecting an arrest) were being distributed to protesters" through word of mouth, practice sessions, and videos online. In the report, he indicated that the conduct he observed by the Complainant and her husband appeared consistent with "de-arrest" tactics.

NE#3 wrote that during the arrest of the blue-shirted individual, he observed the Complainant and W#1 run "up to him and start[] to grab the officer. It is a common tactic with protest groups to unarrest suspects as officers are trying to gain control to restrain with handcuffs." He stated that he believed they "were trying to obstruct the officer's lawful arrest and possibly assault him." He consequently made the decision to arrest.

OPA also interviewed the Named Employees. NE#1 stated that, at the beginning of the incident, he observed the Complainant and her husband moving toward the in-progress arrest. He stated that he saw NE#3 engage both and bring them to the ground, and that he then moved forward to assist NE#3 with the arrest. When he got there, the Complainant and her husband had grabbed on to each other and he assisted by pulling the Complainant away. He stated that he and NE#2 placed the Complainant on her front, handcuffed her, and sat her up. He recalled assisting her with her mask at her request.

OPA asked NE#1 about the force he used. He stated that he believed he used *de minimis* force and described his actions consistent with the BWV summary above. He stated that, at one point, he felt the Complainant trying to stand up, and that to prevent this he placed her on her stomach in a prone position. He stated that he had to go "over her legs in order to do so," but denied ever squatting or pressing a knee to her back, bottom, or lower legs when he did so. NE#1 stated that he was not aware of ever pressing his knee to her neck, shoulder, back, bottom, or legs. He stated that, when he was handcuffing the Complainant, both of his knees were on the ground. He stated that he had no intentional contact with the Complainant's neck during the arrest. He further stated that he did not use any neck or carotid restraints against the Complainant either prior to or after handcuffing her.

With respect to the force he did use, NE#1 stated that he believed it was reasonable because he used no more force than necessary to separate the Complainant from her husband and to take her into custody. He also stated that it was necessary to use the amount of force he did to effect the arrest. He stated that it was proportional to the Complainant and her husband attempting to interfere with the arrest by holding on to each other and passively resisting.

OPA interviewed NE#2. NE#2 described observing the Complainant and her husband consistent with the above summary. He characterized the force he used as *de minimis* and described it as "guiding." He stated that he pulled



the Complainant away from her husband, and “placed [her] in the handcuffing position.” He stated that he believed the force to be reasonable based on the Complainant and her husband resisting by holding on to each other. He said that using that force was necessary to effect the arrest, and proportional to the circumstances because no strikes were used, and that he believed they used as little force as possible. When asked directly about the Complainant’s allegation that an officer pressed a knee to the back of her neck, NE#2 stated that he did not recall NE#1 placing a knee on her neck. He stated that he did not remember the exact positioning of NE#1’s knees, but to his recollection there was nothing unusual about the Complainant’s arrest.

NE#2 stated that it was not uncommon for him to offer to adjust someone’s mask if they expressed discomfort. He stated that it sounded to him as though her masks or goggles had become jostled during the arrest and were inhibiting her breathing. He stated that he did not recall the Complainant saying that she was in pain and that if he had, he would have reported it and filled out a use of force statement.

OPA interviewed NE#3 who described the events leading up to the incident consistent with the above. He stated that, prior to observing the Complainant and her husband, most of the crowd was approximately 10-15 feet ahead and moving at a steady pace with the police line. Several individuals in the crowd appeared to be deliberately moving more slowly than the police line. NE#3 stated that, when crowds become static, it is easier for individuals to pick up objects and throw them at officers, or to erect shields, umbrellas, and barriers and create a confrontation. NE#3 stated that, consequently, he and other line officers had been ordered to ensure that the crowd continued moving. He stated that he saw a blue-shirted individual slowing down and blocking the line from advancing, and saw several officers begin to arrest that individual by taking him to ground.

NE#3 stated that he then observed the Complainant and her husband become focused on the arrest taking place behind them and begin to move quickly toward the arrest. NE#3 stated that he believed they were attempting a “de-arrest” or “un-arrest,” which he described consistent with his report filed after the incident. He stated that he made the decision based on his belief that they were attempting to de-arrest the individual being arrested.

NE#3 described the takedown maneuver he used on the Complainant as an “arm hook over [the Complainant’s] shoulder” which “pulled her towards the ground.” He stated that her husband grabbed on to her and that in response, NE#3 “hooked my other arm around, and lowered my body weight and pulled them both to the ground.” He stated that they tried to bear-hug each other and that he tried to separate them.

NE#3 was asked to describe how he arrived at his determination that there was probable cause to arrest the Complainant and her husband. He stated that when the Complainant and her husband observed an arrest taking place, they changed their direction of travel and immediately approached the arresting officers. He stated that, in doing so, they tried to push through the police line. He stated that these observations led him to believe they were about to attempt a de-arrest. NE#3 stated that this amounted to interference with a police officer and created a risk of injury, and thus met the elements of the crime of obstruction.

OPA asked NE#3 about his takedown maneuver again, showing him screenshots of BWV which appeared to show right hand on the Complainant’s helmet as well as a segment which appeared to show the thumb area of his left hand in contact with the back of the Complainant’s head. OPA noted that enough force was used to knock the Complainant’s helmet off. In response, NE#3 stated that he recalled using his arm to hook over the Complainant’s left shoulder. Of the image showing his hand on the Complainant’s head, NE#3 stated that “[i]t could be as I’m reaching out, it could be as I’m doing something else, but I remember that one arm was engaged with her, getting



her out of the way—it was almost like I was swimming.” He stated that once he had both the Complainant and her husband hooked, he “jerked down.” NE#3 stated that this was a trained technique by SPD.

NE#3 stated that he believed this technique represented *de minimis* force and was a “trained, open-handed technique.” He stated that he did not believe it could have caused the kind of injury (a protruding disc) suffered by the Complainant, which would have required a “significant impact.” NE#3 asserted that he had suffered a similar injury in the past caused by a traffic accident and did not believe that the Complainant was brought down to the ground that hard. NE#3 stated that in his opinion, such an injury would have resulted in an immediate complaint of severe pain.

NE#3 stated that the force he used (the takedown) was reasonable because the Complainant and her husband appeared to try to engage the arresting officers. He stated that “it seemed like they had—that their intent was to injure the officers.” He said that it was necessary based on the probable cause to arrest them for obstruction, and proportional to the fact that they were attempting to push through the police line and engage in a de-arrest. Finally, NE#3 stated that he did not recall seeing either NE#1 or NE#2 place a knee on the Complainant’s neck, and after reviewing BWV it did not appear to show them doing so. Regarding the Complainant’s statements that she couldn’t breathe, NE#3 said that in context, the Complainant may have been saying she couldn’t breathe because her masks had come unseated and she was concerned about contracting COVID-19.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

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

SPD Policy 8.200(1) requires that force used by officers be reasonable, necessary and proportional. Officers shall only use “objectively reasonable force, proportional to the threat or urgency of the situation, when necessary, to achieve a law-enforcement objective.” 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 8.050.) The policy lists a number of factors that should be weighed when evaluating reasonableness. (*See id.*) Force is necessary where “no reasonably effective alternative to the use of force appeared to exist” and “the amount of force used was reasonable to effect the lawful purpose intended.” (*Id.*) Lastly, the force used must be proportional to the threat posed to the officer. (*Id.*)

OPA finds that the force NE#1 used did not violate policy. In doing so, OPA finds no evidence suggesting that NE#1 pressed his knee against the Complainant’s neck. Frame by frame review of BWV, as well as still image review, showed that, during the handcuffing procedure, NE#1’s knees both appeared to be against the ground. It did not appear that NE#1 used any force against the back of the Complainant’s neck. In addition, it did not appear that the Complainant’s breathing issues, which she reported at the time, were due to an officer placing his body weight on her neck. Rather, the Complainant’s own comments at the time (e.g. “I can’t breathe, get my mask off”), suggested that her goggles and N-95 masks were pressed against her nose and mouth, affecting her breathing.

The force NE#1 applied, which appeared to involve control holds and leverage applied to the Complainant’s left arm, was reasonable under the circumstances to effect an arrest over her resistance. It appeared that, initially, the Complainant resisted being taken to a prone handcuffing position and that NE#1 used a degree of force to place her



body in that manner. The force was also necessary to effect a lawful arrest. Finally, it was proportional to the level of resistance, as well as to the obstruction crime for which the Complainant was arrested.

For these reasons, OPA recommends that this allegation be Not Sustained – Lawful and Proper.

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

Named Employee #1 - Allegation #2

8.200 - Using Force 2. Use of Force: When Prohibited

SPD Policy 8.200-POL-2 states that “[o]fficers are prohibited from using neck and carotid restraints in all circumstances.”

For the same reasons as stated above (see Named Employee #1 – Allegation #1), OPA recommends that this allegation be Not Sustained – Lawful and Proper.

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

Named Employee #2 - Allegation #1

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

OPA finds that NE#2 likewise did not violate policy, and in doing so notes that there was insufficient evidence to determine that NE#2 placed a knee on the Complainant’s neck. As above, the weight of the evidence suggests that he did not do so. BWV showing that portion of the incident indicated that, at most, NE#2’s knee pressed against the Complainant’s shoulder blade, back, and side during the handcuffing process. OPA finds it very unlikely that this type of pressure could have caused the Complainant’s injury.

With respect to the force NE#2 was shown using on BWV, it was very similar to that used by NE#1 and, consequently, is assessed similarly. For that reason, OPA recommends that this allegation be Not Sustained – Lawful and Proper.

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

Named Employee #3 - Allegation #1

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

The force used by NE#3, which consisted of a “hook” maneuver leading to a takedown of the Complainant, also did not violate policy. OPA reaches this conclusion primarily because, at the time, NE#3 had probable cause to arrest the Complainant for obstruction (see below) and, as a result, possessed the legal right to use no more force than necessary to do so. The force was reasonably calculated to stop the Complainant’s forward motion and take her to the ground. It was also necessary to effect the arrest and prevent what appeared to be an intended de-arrest action. Finally, the force was proportional to the threat posed in that it was intended primarily to bring her down and prevent the de-arrest.



OPA notes that, of all the force used during this incident, this is the only time that any officer appeared to have made contact with the Complainant's head and neck area. In this way alone, OPA finds that the takedown was the point at which it was possible that the Complainant suffered injury as she contended. At the same time, OPA notes that this form of takedown is a trained tactic which is regularly executed by SPD without serious injury. While OPA is unable to say that the takedown *could not* have caused the Complainant's harm—indeed, it may well have done so—OPA is equally unable to say that such harm was a foreseeable result of the takedown. Ultimately, while the Complainant's injury is regrettable, OPA does not believe that the force NE#3 used was therefore rendered out of policy *per se*. However, this does not preclude the Complainant from seeking whatever damages she feels she is entitled to in a civil proceeding.

For this reason, OPA recommends that this allegation be Not Sustained – Lawful and Proper.

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

Named Employee #3 - Allegation #2

6.010-POL - Arrests 1. Officers Must Have Probable Cause That a Suspect Committed a Crime in Order to Effect an Arrest

SPD Policy 6.010-POL-1 requires that officers have probable cause to believe that a suspect committed a crime when effectuating an arrest. Stated differently, where an arrest is not supported by probable cause, it violates law and Department policy. Probable cause exists when the facts and circumstances within an officer's knowledge are sufficient in themselves to support a reasonable belief that an offense has been or is being committed.

As indicated above, OPA finds that NE#3 had probable cause to believe the Complainant and her husband were in the process of committing a crime. OPA reaches this conclusion for three main reasons.

First, the Complainant's own statement that she and her husband attempted to "help" the individual being arrested suggests an intent to interfere in the arrest. Similarly, her husband's statement that he "moved forward to help him in some way" is similarly suggestive. Second, NE#3 stated that he observed, and BWV confirmed, that the Complainant and her husband were walking away prior to the arrest, and seemed to take action only after observing the arrest, making it reasonable to believe that the arrest was the motivating factor in their change of posture. Third and finally, in the moments before NE#3 initiated his takedown, BWV showed that both the Complainant and her husband had their arms raised and extended toward the officers engaged in arresting the other individual. Taken together, these facts are sufficient in themselves to support a reasonable belief that the Complainant and her husband were attempting to de-arrest the other individual and therefore to obstruct officers.

As suggested above, it is a crime to interfere in an arrest. This is the case independent of whether the arrest is ultimately upheld in court or found to rest on probable cause during a later OPA review. Put another way, the suspected or actual impropriety of any given arrest is not license for bystanders to engage in self-help justice. The rise of de-arrest tactics presents a very real danger to members of the public attempting to de-arrest, officers, and arrested persons themselves who may be injured in the ensuing struggle. OPA has also frequently observed individuals engaging in de-arrest tactics who saw only a portion of the incident at issue and may thus lack information necessary to judge the foundation upon which a particular police action rested.

For the above reasons, OPA recommends that this allegation be Not Sustained – Lawful and Proper.



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

Named Employee #4 - Allegation #1

11.010 – Detainee Management 9. Officers Will Seek Medical Assistance for Detainees

SPD Policy 11.010-POL-9 requires officers to seek medical assistance from the Seattle Fire Department for detainees with “an obvious injury or illness, or when the detainee makes a complaint of injury or illness” and document that assistance in a report. (SPD Policy 11.010-POL-9.) Consistent with other policies requiring officers to seek medical assistance, OPA interprets this policy to permit officers to render assistance consistent with their training.

OPA was unable to identify any SPD employee who failed to seek assistance when the Complainant requested it, either during or after her detention. Again, by the Complainant’s own statement, she did not request medical assistance. Nor is it the case that she lacked opportunity to do so. While it is certainly plausible to OPA that she did not begin to feel the severity of any injuries until after she was taken into custody by the Named Employees, the evidence from the West Precinct shows that, upon arrival, she interacted with multiple officers for several minutes. After spending over an hour in the holding cell, she again had the opportunity to speak to officers while being transferred to the King County Jail, and there is no indication that she complained of pain or injury at any of these times.

OPA is not insensitive to the fact that an arrested individual may be reluctant to request aid from officers they view as having just mistreated them. However, it is likewise the case that OPA cannot hold SPD employees to an unreasonable standard. Nothing in the footage OPA was able to observe suggested that the Complainant was in the kind of evident physical distress that would rise to the level of an “obvious injury or illness.” Rather, the Complainant appeared to move under her own power and with little to no physical discomfort. Based on OPA’s review of the footage, there was no reason for any SPD employee observing the Complainant to determine she was suffering from the effects of an injury without her making an affirmative statement to that effect.

For these reasons, OPA recommends that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained (Unfounded)**