



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2015-1000

Issued Date: 01/21/2016

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 8.100 (1) Using Force: When Authorized (Policy that was issued 01/01/2014)
OPA Finding	Not Sustained (Lawful and Proper)
Allegation #2	<u>Seattle Police Department Manual</u> 6.010 (1) Arrests: Officers Must Have Probable Cause That a Suspect Committed a Crime in Order to Effect and Arrest (Policy that was issued 04/01/2015)
OPA Finding	Not Sustained (Lawful and Proper)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 8.100 (1) Using Force: When Authorized (Policy that was issued 01/01/2014)
OPA Finding	Not Sustained (Lawful and Proper)
Allegation #2	<u>Seattle Police Department Manual</u> 6.010 (1) Arrests: Officers Must Have Probable Cause That a Suspect Committed a Crime in Order to Effect and Arrest (Policy that was issued 04/01/2015)
OPA Finding	Not Sustained (Lawful and Proper)
Final Discipline	N/A

INCIDENT SYNOPSIS

The named employees were dispatched to a disturbance call at a hospital. The hospital security called to remove the complainant from the hospital grounds as she was yelling and blocking people from entering the Emergency Room (ER). When the named employees arrived the complainant told them that she had left her cell phone in a friend's car and just wanted to use a phone inside the hospital which the hospital security denied. Named employee #2 allowed the complainant to use her cell phone to call the friend. The complainant asked the named employees for a ride to Renton. When the named employees denied her request, the complainant became angry. The complainant walked away and as she walked past the patrol car, she kicked the rear quarter panel causing a six inch dent. The named employees then arrested the complainant for property damage to the patrol car. During the arrest the complainant fought with the named employees, assaulting both of them. The complainant was transported to jail.

COMPLAINT

The complainant alleged that the named employees lacked probable cause for her arrest and used excessive force when taking her into custody.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint email
2. Interview of the complainant
3. Review of In-Car Video
4. Review of other video
5. Search for and review of all relevant records and other evidence
6. Interview of SPD employees

ANALYSIS AND CONCLUSION

The evidence showed that the named employees screened the arrest and subsequent booking of the complainant with a patrol sergeant. There is a video record from In-Car video, the hospital and the jail of this incident. There is no evidence to substantiate the allegation of excessive force against the named employees. The evidence showed that the named employees developed probable cause to arrest the complainant for property destruction. The complainant's resistance to the efforts to arrest her and the subsequent assault of the named employees supported additional charges.

FINDINGS

Named Employee #1 and #2

Allegation #1

The evidence showed that the named employees used force that was reasonable and proportional to take the complainant into custody. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Using Force: When Authorized*.

Allegation #2

The evidence showed that the named employees had developed probable cause in order to arrest the complainant. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Arrests: Officers Must Have Probable Cause That a Suspect Committed a Crime in Order to Effect and Arrest*.

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.