



## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Closed Case Summary

Complaint Number OPA#2016-1382

Issued Date: 07/11/2017

Named Employee #1	
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> (Unfounded)
Final Discipline	N/A

Named Employee #2	
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

Named Employee #3	
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> (Unfounded)
Final Discipline	N/A

<b>Named Employee #4</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> (Unfounded)
Final Discipline	N/A

<b>Named Employee #5</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

<b>Named Employee #6</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 Employees were working an operation involving a team of officers with specific job assignments working together to coordinate the apprehension of a suspect, or suspects, dealing narcotics.

### **COMPLAINT**

The complainant indicated that during interactions with the Named Employees, they used excessive force when she was punched, hogtied and had her head beat against a patrol car during her arrest. She said that "six bikers assaulted her."

## **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. Interviews of SPD employees

## **ANALYSIS AND CONCLUSION**

The preponderance of the evidence indicated that Named Employee #1 did not go hands on with the complainant and was more involved with controlling the crowd that had gathered around this incident.

Named Employee #2 and Named Employee #6 were the primary arresting team for the complainant. They were on a public street, engaged in making a lawful arrest of the complainant for a drug offense. Based on interviews and written Type II use of force statements, Named Employee #2 delivered two closed first strikes against the complainant's upper right shoulder and neck area. This use of force was done to end the combative nature of the complainant's resisting of arrest. In addition, at the time Named Employee #2 delivered the two strikes, Named Employee #6 had fallen to the ground and Named Employee #2 was concerned that the complainant's kicking might injure Named Employee #6. Moreover, Named Employee #2 and Named Employee #6 were aware that large crowd of bystanders was becoming agitated and there was some urgency to complete the arrest of the complainant and get her out of the area. While the non-police witness said the officers punched and slammed the complainant to the ground, the witness acknowledged she was not paying attention to the complainant's actions during the encounter. The complainant admitted that she was kicking while struggling against officers, albeit unintentionally in her view.

Named Employee #3 was doing surveillance of the area with Named Employee #1 and called to assist with the arrest of the complainant. Named Employee #3 did not use any reportable force and did not go hands-on with the complainant.

The preponderance of the evidence indicated that the Named Employee #4 did not go hands-on with the complainant and was primarily involved with controlling the crowd that had gathered around this incident. Named Employee #4 responded to the scene and transported the complainant to the Precinct. During transport, the complainant stated her handcuffs were tight, and Named Employee #4 adjusted them at the Precinct. Additionally, the complainant complained that she had hit her head on something and was offered Fire Department assistance by Named Employee #4, which she declined.

Named Employee #5 along with Named Employee #2 and Named Employee #6 were the primary officers who went hands-on during the arrest of the complainant. Named Employee #5

wrote a Type I use of force report given that he placed the complainant into handcuffs and she made a complaint of pain. Named Employee #5 indicated that the complainant was kicking and moving around in a manner that made it difficult to put her into handcuffs. He indicated he held one of the complainant's arms back, while Named Employee #2 held the other and Named Employee #6 held the complainant's feet. Once the complainant was in custody and handcuffed, Named Employee #5 escorted her to Named Employee #4's patrol vehicle for transportation to the precinct. During the walk to the patrol vehicle, Named Employee #5 indicated he used de-minimis force to keep the complainant on her feet and moving towards the vehicle, but did not drag her on her belly or engage in any reportable force.

During the execution of the arrest on the complainant by Named Employee #2 and Named Employee #5, Named Employee #6 assisted in bringing the complainant to the ground by taking her legs out from underneath her so she would go to the ground in a controlled fashion. Named Employee #6 then proceeded to bear hug the complainant's legs to prevent her from striking out with her legs once she was brought to the ground. However, the complainant was able to continue to kick so Named Employee #6 placed her knees on the back of each of the complainant's calves to hold down the complainant's legs. At the same time, Named Employee #6 had her chest on the lower back/ buttock region of the complainant to control her movements. Named Employee #2 and Named Employee #5 took control of the complainant's upper body and put her in handcuffs.

## **FINDINGS**

### **Named Employee #1**

#### Allegation #1

A preponderance of the evidence indicated that Named Employee #1 did not go hands on with the complainant. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Using Force: Use of Force: When Authorized*.

### **Named Employee #2**

#### Allegation #1

A preponderance of the evidence showed that Named Employee #2 used force to end the combative nature of the complainant's resisting of arrest. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Using Force: Use of Force: When Authorized*.

### **Named Employee #3**

#### Allegation #1

A preponderance of the evidence showed that Named Employee #3 did not use any reportable force and did not go hands-on with the complainant. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Using Force: Use of Force: When Authorized*.

#### **Named Employee #4**

##### Allegation #1

A preponderance of the evidence indicated that Named Employee #4 did not go hands-on with the complainant and was primarily involved with controlling the crowd that had gathered around this incident. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Using Force: Use of Force: When Authorized*.

#### **Named Employee #5**

##### Allegation #1

A preponderance of the evidence showed that during the walk to the patrol vehicle, Named Employee #5 used de-minimis force to keep the complainant on her feet and moving towards the vehicle, but did not engage in any reportable force. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Using Force: Use of Force: When Authorized*.

#### **Named Employee #6**

##### Allegation #1

A preponderance of the evidence showed that Named Employee #6 assisted in bringing the complainant to the ground in a controlled fashion and acted to prevent the complainant from striking out with her legs. 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.*