



OFFICE OF POLICE ACCOUNTABILITY

Closed Case Summary

Complaint Number 2017OPA-0327

Issued Date: 10/04/2017

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	Not Sustained (Lawful and Proper)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employee arrested the complainant for a valid Seattle Municipal Court (SMC) warrant on a public sidewalk.

COMPLAINT

The complainant alleged the arresting officer was rough and assaulted her during her arrest.

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

ANALYSIS AND CONCLUSION

The complainant was arrested by Named Employee #1 based on an open Seattle Municipal Court warrant. Named Employee #1, the arresting officer, was familiar with the complainant, having arrested her for previous open warrants. Unlike in his other interactions with her, on this date she ran from Named Employee #1 to avoid being arrested. Named Employee #1 was able to catch up with the complainant and placed her in a “modified escort hold.” This hold generally involves an officer grasping a subject’s hand and bicep area in order to control the subject’s body and, if necessary, to facilitate a soft takedown. Here, the complainant was not taken to the ground.

During the application of the hold, the complainant complained of pain. Consistent with policy, Named Employee #1 notified a Sergeant who arrived at the scene to screen the force in person. The Sergeant who screened the force reported that the complainant did not indicate that she was presently in pain, but did describe several ongoing medical conditions that she had recently been treated for at a hospital. The complainant stated to the Sergeant that the officers had caused her pain when they put her arms behind her back, which exacerbated prior injuries from a car accident. The complainant further alleged to the Sergeant that the officers could have been more careful with her, both due to her status as a female and because of her ongoing arthritis. Based on the complainant’s claim of excessive force during her arrest, the Sergeant referred this matter to OPA.

While Named Employee #1’s behavior in chasing, catching up to, and placing the complainant in a hold was not captured by ICV due to those actions occurring outside of the view of the camera, Named Employee #1’s later interaction and conversation with the complainant in front of his patrol car was recorded. Also recorded was the complainant’s discussion with the Sergeant.

OPA later interviewed the complainant at the jail. The complainant admitted that she had an open warrant on that date and that she ran from officers after they ordered her to stop. She again stated that the officers were rough with her on the date in question and expressed her frustration with the particular officers involved in her arrest. However, she did not identify any specific injuries that could be traced to the alleged force. During her interview, the complainant indicated to OPA that Named Employee #1 and an officer with the last name “Daniels” was involved in her arrest and the use of force. OPA attempted to clarify whether she was referring to the officer who was Named Employee #1’s partner and participated in the complainant’s arrest. However, the complainant reiterated that the other involved officer was “Daniels.” OPA did not locate any officer with the first or last name “Daniels,” who was assigned to the North Precinct on that date.

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.” The policy lists a number of factors that

should be weighed when evaluating reasonableness. 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.” Lastly, the force used must be proportional to the threat posed to the officer.

Here, the OPA Director found that the force used by Named Employee #1 was reasonable, necessary, and proportional, and thus consistent with policy.

First, with regard to reasonableness, it was undisputed that Named Employee #1 had probable cause to arrest the complainant. When the complainant ran away, which was also undisputed, Named Employee #1 was justified in using force to take her into custody. Moreover, the level of force, a modified escort hold, was certainly a reasonable level of force given the circumstances.

Second, with regard to whether the force was necessary, the OPA Director found that, at the time the force was used, Named Employee #1 believed that there was no reasonably effective alternative and that the degree of force was reasonable to effect the lawful purpose of preventing the complainant from further fleeing and to place her under arrest.

Third, with regard to the proportionality of the force, Named Employee #1 used force commensurate with the complainant’s conduct, and only that level of force needed to prevent the complainant from further fleeing, control her person, and to place her under arrest.

FINDINGS

Named Employee #1

Allegation #1

The preponderance of the evidence showed that the force used by Named Employee #1 was reasonable, necessary, and proportional. 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.