



CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 12, 2018

CASE NUMBER: 2017OPA-0742

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)

Named Employee #3

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 her to excessive force during her arrest.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

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

The Named Employees responded to a call involving possible domestic violence. When the officers arrived at the location, they spoke to the Complainant’s husband who indicated that he had been assaulted by the Complainant. While the officers were present, the Complainant returned to the location. Named Employee #1 (NE#1) and Named Employee #3 (NE#3) went downstairs to meet her, while Named Employee #2 (NE#2) stayed with the Complainant’s husband. Prior to the Complainant’s arrival, the Complainant’s brother told the officers that he was worried that she would not cooperate with the police.

When NE#1 and NE#3 attempted to place the Complainant under arrest, she tried to avoid them. NE#1 and NE#3 then grabbed her arms and placed her in a modified escort hold, by holding the back of her triceps and wrists. A struggle ensued and NE#1 requested that NE#2 come assist them. NE#2 did so. The officers tried to convince the Complainant to cooperate with them and to stop resisting, but she did not. NE#1 reported pulling the Complainant to the ground and placing her on her stomach. The Complainant continued to resist when she was on the ground, but the officers were able to handcuff her and secure her person. NE#3 reported that the Complainant complained of pain when she was handcuffed and she continued flailing her arms and body around. During the struggle, NE#3



suffered a scratch to his right arm from the Complainant. The Complainant further resisted being placed into the patrol car.

The officers' reporting of the event in their use of force reports and later in their OPA interviews was consistent.

The Complainant was interviewed by a sergeant concerning the incident. She claimed that the officers hurt her arms during the handcuffing. The sergeant took photographs of the Complainant's injuries at the King County Jail and recounted those injuries – "several bruises scattered on the soft part of both arms" – in his force review. The Complainant attributed those injuries to the force used by the Named Employees.

The Complainant's husband was interviewed by NE#2 on the night of the incident. During that interview, he did not make any complaints as to the force used against his wife. He was interviewed again by an acting lieutenant. During that interview, he asserted his belief that the force was excessive. The acting lieutenant also interviewed the Complainant's brother. Her brother largely supported the officers' account of the incident and confirmed that the Named Employees did not strike or kick the Complainant.

OPA attempted to contact the Complainant's husband but was unable to do so. OPA did speak with the Complainant who did not want to provide a recorded statement. She did provide an unrecorded statement and said: "hands were put on me" and she was "forcefully put down." The Complainant told OPA that she suffered multiple bruises as a result of the incident.

There is no video of the Complainant's arrest and the force used; however, the officers' interaction with her is captured by the audio of the In-Car Video. The audio of the ICV is consistent with the officers directing the Complainant to stop resisting and telling her that she is under arrest and a subsequent physical altercation occurring.

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." (SPD Policy 8.200(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.*)

I find that the force used by the Named Employees in this case was reasonable, necessary, and proportional, and thus consistent with policy. Based on the allegations of the Complainant's husband, the Named Employees had probable cause to place the Complainant under arrest. When she resisted their attempts to do so, the Named Employees were permitted to use force. The force used – grabbing the Complainant's arms, using escort holds, and taking her to the ground in a controlled manner when she continued to resist – were consistent with policy and furthered the officers' lawful objectives.

For these reasons, I recommend 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

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)**

Named Employee #3 - Allegation #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)**