Seattle Office of Police Accountability

CLOSED CASE SUMMARY

ISSUED DATE: OCTOBER 22, 2018

CASE NUMBER: 2018OPA-0483

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)

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 he was subjected to excessive force by the Named Employee.

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the OPA Auditor's review and approval, believed that it could reach and issue recommended findings based solely on its intake investigation and without interviewing the Named Employee. As such, the Named Employee was not interviewed as part of this case.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1
8.200 - Using Force 1. Use of Force: When Authorized

Officers were flagged down by a victim who stated that another resident of her building had threatened to assault her. Officers went to the apartment where the suspect – ultimately identified as the Complainant – lived. He first opened the door but, when he saw the officers, slammed it shut. The door was later reopened by the Complainant's girlfriend, who stated that he fled out of the apartment window. Officers located the Complainant on the street outside of the apartment and directed him to stop; however, he did not do so.

Multiple officers, including Named Employee #1 (NE#1), used force to take the Complainant down to the ground. While he was on the ground, the Complainant locked his hands beneath his body and refused to allow his arms to be pulled out. As such, the officers could not move his arms behind his back in order to handcuff him. After a brief tactical discussion between the officers, it was decided that NE#1 would use a cross-face technique (using the forearm to apply pressure to a subject's face in order to gain compliance). NE#1 did so and this resulted in the Complainant ceasing his resistance. The officers were then able to handcuff him and take him into custody.

While he was struggling with the officers, the Complainant yelled: "Whoever punched me in the face is a pussy!" This statement was reported by the officers to their Sergeant. The Sergeant spoke to the Complainant and reported

that the Complainant acknowledged that no one had actually punched him and that he had trouble thinking when he got angry. The Sergeant noted that the Complainant had minor abrasions to the right side of his forehead and right cheek, which were consistent with the force described by the officers.

Notably, this incident and the force used by the officers was fully captured by Department video. The force viewed on the video is consistent with the officers' accounts in their force reports. There is no evidence that any one, let alone NE#1, ever punched or struck the Complainant.

Based on my review of the totality of the evidence, I conclude that the force used by NE#1 was reasonable, necessary, and proportional. The officers had probable cause to arrest the Complainant and to take him into custody. With this legal authority came the right to use force if appropriate. When the Complainant resisted the officers' attempts to handcuff him, the officers, including NE#1, used de minimis force that was consistent with policy to take him to the ground. Moreover, once he was on the ground, NE#1 appropriately used a cross-face to gain the Complainant's compliance and to handcuff him. I note that this is a trained technique purposed for exactly this type of situation. As such, NE#1's force was in-line with training, policy, and the Department's expectations of his conduct.

For these reasons, I recommend that this allegation be Not Sustained – Lawful and Proper.

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