



## CLOSED CASE SUMMARY

ISSUED DATE: MAY 14, 2019

CASE NUMBER: 2018OPA-1166

### 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)

*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 by grabbing her arms.

### ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the review and approval of the Office of Inspector General for Public Safety, believed that it could reach and issue recommended findings based solely on its intake investigation and without interviewing the Named Employees. As such, the Named Employees were 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***

The Named Employees responded to a domestic violence call. Upon further investigation, the Named Employees discovered a No Contact Order, in which the Complainant was the Respondent, necessitating the mandatory arrest of the Complainant. Named Employee #1 (NE#1) and Named Employee #2 (NE#2) took hold of the wrists of the Complainant to get her to stand up and walk. They then placed the Complainant in a modified escort position in which the both employees held the wrist and the back of the bicep of each of the Complainant’s arms. She began to struggle against their attempts to walk her to the patrol vehicle. Once she was at the patrol vehicle, the Named Employees attempted to place her in handcuffs. The Complainant responded by trying to pull her arms away from them and twisting her body. The Named Employees were able to overcome her struggling and used body force to place her hands and arms behind her back. They were able to take her into custody without further incident. Throughout her interaction with the Named Employees, she complained that the officers were hurting her arms and



---

indicated that her arms had previously been injured. A supervisor was called to the scene to screen the use of force and the arrest. The Complainant reported to the supervisor that she had preexisting injuries to her elbows, as well as alleged that the Named Employees hurt her arms. The supervisor referred the Complainant's allegations to OPA and this investigation ensued.

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.*)

Based on OPA's review of the record, I find that the force used on the Complainant was reasonable, necessary, and proportional to take the Complainant into custody, to handcuff her, and to keep her under control. This force was appropriate given that the Complainant was struggling to avoid being handcuffed and was potentially attempting to escape. While it may have been the case that the Complainant had preexisting injuries, those injuries were not readily apparent to the Named Employees. Moreover, the fact that she had such injuries did not preclude the Named Employees from using force or call the propriety of the force into question.

For the above reasons, I recommend that this allegation be Not Sustained – Lawful and Proper as against both Named Employees.

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

**Named Employee #2 - Allegations #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)**