



CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 2, 2018

CASE NUMBER: 2016OPA-0791

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	Force - Use - 8.200 - Using Force 1. Use of Force: When Authorized	Not Sustained (Unfounded)
# 2	Professionalism - 5.001 - Standards and Duties 9. Employees Shall Strive to be Professional at all Times	Not Sustained (Unfounded)

Named Employee #2

Allegation(s):		Director’s Findings
# 1	Force - Use - 8.200 - Using Force 1. Use of Force: When Authorized	Not Sustained (Unfounded)
# 2	Professionalism - 5.001 - Standards and Duties 9. Employees Shall Strive to be Professional at all Times	Not Sustained (Unfounded)

Named Employee #3

Allegation(s):		Director’s Findings
# 1	Force - Use - 8.200 - Using Force 1. Use of Force: When Authorized	Not Sustained (Unfounded)
# 2	Professionalism - 5.001 - Standards and Duties 9. Employees Shall Strive to be Professional at all Times	Not Sustained (Unfounded)

Named Employee #4

Allegation(s):		Director’s Findings
# 1	Force - Use - 8.200 - Using Force 1. Use of Force: When Authorized	Not Sustained (Unfounded)
# 2	Professionalism - 5.001 - Standards and Duties 9. Employees Shall Strive to be Professional at all Times	Not Sustained (Unfounded)

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 officers "beat" her up and called her a racial slur.



ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

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

The Complainant alleged that the Named Employees “beat” her up. The complainant was contacted based on an outstanding warrant for her arrest. She was uncooperative and passively resisted arrest by collapsing to the ground when the Named Employees attempted to handcuff her. She then refused to walk to the patrol car and, as a result, the Named Employees were forced to carry her. While she was being placed in the patrol car, the Complainant made several allegations that she was beat up by her ex-wife and the officers should arrest her ex-wife instead. The Complainant stated that her injuries, which included scratches to her neck and tears in her pants, were caused by her ex-wife. These statements were captured on In-Car Video (ICV).

Later in her interaction with the officers, and also captured on ICV, the Complainant alleged that the officers beat her up and called her a racial slur.

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.*)

As indicated above, this entire incident was recorded on ICV. From my review of this video, there is no evidence that the Named Employees used any force on the Complainant other than the de minimis force used to handcuff her and carry her to the patrol vehicle. I find that this force was reasonable, necessary, and proportional, and thus consistent with policy.

The Named Employees had the lawful authority to place the Complainant under arrest for her outstanding warrant. When they tried to do so, the Complainant was belligerent and unreasonable and passively resisted attempts to handcuff her and to lead her to the patrol vehicle. At that point, it was reasonable to use force in order to make sure that she was handcuffed and placed into the patrol vehicle for transport. For these same reasons, the force was also necessary. Lastly, the force was proportional to the threat facing the officers. Force was only used when the Complainant resisted the Named Employees’ attempts to handcuff her and secure her in the patrol vehicle. Notably, the Named Employees did not strike the Complainant or use anything other than the lowest level of force. Moreover, contrary to the Complainant’s allegations, there was no evidence that she was “assaulted and hurt” by officers or that any officer beat her up.

For these reasons, I recommend that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained (Unfounded)**



Named Employee #1 - Allegation #2

Professionalism - 5.001 - Standards and Duties 9. Employees Shall Strive to be Professional at all Times

The Complainant alleged that one of the Named Employees called her a racial slur. The Complainant refused, however, to identify which officer used that slur towards her. The Complainant further failed to participate in OPA's investigation.

As indicated above, the entirety of this incident was captured on ICV. A review of this video indicated that at no point did any officer call her a racial slur. To the contrary, the video reflects that the Named Employees were calm and professional while interacting with the Complainant. This was the case even though the Complainant was belligerent and uncooperative and, herself, directed several slurs at an African American officer who was at the scene.

For these reasons, I recommend that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained (Unfounded)**

Named Employee #2 - Allegations #1

Force - Use - 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 – Unfounded.

Recommended Finding: **Not Sustained (Unfounded)**

Named Employee #2 - Allegation #2

Professionalism - 5.001 - Standards and Duties 9. Employees Shall Strive to be Professional at all Times

For the same reasons as stated above (see Named Employee #1, Allegation #2), I recommend that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained (Unfounded)**

Named Employee #3 - Allegations #1

Force - Use - 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 – Unfounded.

Recommended Finding: **Not Sustained (Unfounded)**



Named Employee #3 - Allegation #2

Professionalism - 5.001 - Standards and Duties 9. Employees Shall Strive to be Professional at all Times

For the same reasons as stated above (see Named Employee #1, Allegation #2), I recommend that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained (Unfounded)**

Named Employee #4 - Allegations #1

Force - Use - 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 – Unfounded.

Recommended Finding: **Not Sustained (Unfounded)**

Named Employee #4 - Allegation #2

Professionalism - 5.001 - Standards and Duties 9. Employees Shall Strive to be Professional at all Times

For the same reasons as stated above (see Named Employee #1, Allegation #2), I recommend that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained (Unfounded)**