



OFFICE OF POLICE ACCOUNTABILITY

Closed Case Summary

Complaint Number 2017OPA-0537

Issued Date: 12/01/2017

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 (Unfounded)
Final Discipline	N/A

Named Employee #2	
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 (Unfounded)
Final Discipline	N/A

Named Employee #3	
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 (Unfounded)
Final Discipline	N/A

INCIDENT SYNOPSIS

The complainant was contacted by the Named Employees for smoking within 25 feet of a metro bus shelter. While being detained, the Named Employees discovered that the Complainant had an outstanding warrant.

COMPLAINT

During his arrest for the open warrant, the complainant alleged that the Named Employees subjected him to excessive force when they slammed his head into a granite bench and caused hearing loss.

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
4. Review of Use of Force documents
5. Interviews of SPD employees

ANALYSIS AND CONCLUSION

Manual 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.” (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.)

With regard to the force that the Named Employees reported using, the OPA Director found that it was reasonable, necessary and proportional, and thus consistent with policy. The officers had a valid basis to place the complainant under arrest and when he resisted their attempts to do so, it was reasonable for the officers to use force to ensure that he could be taken into custody. The force used was necessary in order to place him into handcuffs, and was only that level of force needed to do so.

With regard to the allegation that the Named Employees slammed the complainant’s head into a granite bench, which was the core of this case, the OPA Director found that there was no evidence supporting that this force actually occurred. In fact, the evidence suggested the opposite.

FINDINGS

Named Employees #1, #2, and #3

Allegation #1

The preponderance of the evidence showed that the force reported by the Named Employees was reasonable, necessary and proportional, and that there was no evidence supporting the complainant's allegation. Therefore a finding of **Not Sustained** (Unfounded) 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.