



## CLOSED CASE SUMMARY

ISSUED DATE:     AUGUST 28, 2018

CASE NUMBER:    2018OPA-0275

### 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 Named Employee #1 subjected him to excessive force.

### ANALYSIS AND CONCLUSIONS:

**Named Employee #1 - Allegation #1**

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

The Named Employees were working together on the date in question. Named Employee #1 (NE#1) was a student officer and Named Employee #2 (NE#2) was NE#1’s Field Training Officer. The Named Employees on-viewed the Complainant walking in the street and causing damage to vehicles with his fist. NE#1 reported that he exited his vehicle and told the Complainant to stop. The Complainant did not comply with that order and began to run away. NE#1 gave chase and pursued him on foot down the street. As NE#1 caught up to the Complainant and grabbed hold of his shirt, NE#1 recounted that the Complainant fell to the ground. NE#1 and, later, NE#2 held the Complainant on the ground and placed him into handcuffs. While he was being transported to the precinct by another officer, the Complainant stated: “You all pounded my face into the fucking pavement.” A supervisor was notified and that supervisor interviewed the Complainant. The Complainant told that supervisor that he was tackled to the ground and that he suffered injuries to his face and knee. The Complainant did not, however, repeat his allegation that his face was pounded into the pavement. Construing the Complainant to be alleging a claim of excessive force, the supervisor referred this matter to OPA and this investigation ensued.

As part of OPA’s investigation, both of the Named Employees were interviewed. OPA also reviewed the Department video. The video established, in OPA’s opinion, that the Complainant fell to the ground while being chased by NE#1, that he was not tackled to the ground, and that his face was not pounded into the pavement. The video showed that the Named Employees only used that force needed to secure the Complainant’s body and to place him into handcuffs.



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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 my review of the record, I find that the force used by the Named Employees was consistent with policy. The video established that the Complainant fell to the ground while being grabbed by NE#1. He was not tackled down to the ground and his head was not slammed into the pavement. Moreover, when the Complainant was on the ground, the officers used reasonable, necessary, and proportional force to handcuff him and to control his body. For these 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 - 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)**