



CLOSED CASE SUMMARY

ISSUED DATE: DECEMBER 3, 2018

CASE NUMBER: 2018OPA-0583

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 the Named Employee him to excessive force.

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 called to investigate a person with a knife who was threatening to assault another individual. Officers determined that probable cause existed for violation of a protection order. The suspect in this matter was later identified as the Complainant and was subsequently placed under arrest.

During the arrest, Named Employee #1 (NE#1) escorted the Complainant to the patrol car to be searched. The Complainant was uncooperative and attempted to pull away from the officers. NE#1 used an under-hook control hold and leaned the Complainant forward onto the patrol car and held him there until the search was completed.

The Complainant told the screening Sergeant that the back of his neck and arm were hurting, which he claimed was the result of police brutality. The Sergeant referred this complaint to OPA and this investigation ensued.

OPA investigators interviewed the Complainant at the King County Jail. The Complainant told the investigators that his forehead was slammed on the patrol car and that he was tased for two minutes.

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.*)

The video evidence does not support the allegations made by the Complainant against NE#1. There is no evidence to support that NE#1 either slammed the Complainant’s forehead on the hood of the patrol car or used a Taser. Based on my review of the record, I conclude that the force used in this incident was reasonable, necessary, and proportional. I further find that the force was appropriate to effectuate the arrest Complainant’s arrest and to hold him in place so that he could be searched.

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

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