



CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 20, 2019

CASE NUMBER: 2018OPA-0710

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	8.200 - Using Force 2. Use of Force: When Prohibited	Not Sustained (Unfounded)

Named Employee #2

Allegation(s):		Director’s Findings
# 1	8.200 - Using Force 2. Use of Force: When Prohibited	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 the Named Employees subjected him to excessive force during his arrest.

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 Employees. As such, the Named Employees were not interviewed as part of this case.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

8.200 - Using Force 2. Use of Force: When Prohibited

The Named Employees arrested the Complainant for several offenses, including violating a no contact order. The Named Employees handcuffed the Complainant without incident. When the Named Employees tried to place the Complainant into a patrol vehicle, the Complainant refused to comply. The Complainant, instead, wrapped his legs around Named Employee #1 (NE#1). The Named Employees were concerned that the Complainant was going to engage in assaultive behavior and made the decision to take the Complainant to the ground in a controlled take-down. While on the ground, the Complainant was physically resistive. Ultimately, however, the Named Employees were able to subdue him. As the Complainant stopped resisting, the officers modulated their force.

When the arrest was screened by a Department supervisor, the Complainant asserted that he was “abused” and injured by the Named Employees. The supervisor referred the Complainant’s allegations to OPA and this investigation ensued.



SPD Policy 8.200-POL-2 states that force is prohibited: “On restrained subjects (e.g. including handcuffed or contained in a police vehicle) except in exceptional circumstances when the subject’s actions must be immediately stopped to prevent injury, or escape, destruction of property. All such force shall be closely and critically reviewed.”

Based on a review of the video, the force used by the Named Employees was appropriate to take the Complainant into custody and to prevent him from physically resisting. The force was largely minimal and was reasonable, necessary, and proportional under the circumstances. Even though the Complainant was in handcuffs at the time the force was used, I find that the force was still lawful as the Complainant presented a threat of harm to the officers. For these reasons, I recommend that this allegation be Not Sustained – Unfounded as against both Named Employees.

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

Named Employee #2 - Allegation #1

8.200 - Using Force 2. Use of Force: When Prohibited

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)**