



## CLOSED CASE SUMMARY

ISSUED DATE:      MAY 14, 2019

CASE NUMBER:     2018OPA-1183

### 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) |

**Named Employee #3**

| 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:**

On December 14, 2018, the Named Employees responded to a crisis call at a location on 4th Avenue South. After determining that the Complainant met the requirements of the Involuntary Treatment Act (ITA), the Named Employees attempted to get her onto a waiting gurney or get her to walk to the ambulance; however, she refused to do either. After repeated attempts to convince the Complainant to comply, the Named Employees used their body weight and physical power to secure her to the gurney. During that process, the Complainant alleged that the Named Employees used unnecessary and 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 Employees were not interviewed as part of this case.

During its intake investigation, OPA determined that Named Employee #1 did not complete a Crisis Template to document his interaction with the Complainant. This was contrary to the requirements of SPD Policy 16.110-POL-9. This matter was sent back to Named Employee #1’s chain of command to be handled as a Supervisor Action.



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**ANALYSIS AND CONCLUSIONS:**

**Named Employee #1 - Allegations #1**

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

As described above, the Complainant alleged that Named Employee #1 (NE#1), Named Employee #2 (NE#2), and Named Employee #3 (NE#3) used unnecessary and extreme excessive force when they physically placed her onto the gurney.

The Named Employees reported using their body weight through pushing and pulling to escort the Complainant to the gurney. They further described controlling the Complainant's limbs as she was being secured to the gurney. During that process, the Complainant alleged excessive force. The Named Employees all reported that the Complainant's demeanor devolved into increased paranoia. NE#1, who was the primary officer, noted in his report that he made the determination that the Complainant was a danger to herself based on her behavior, particularly given that she had been rolling on the floor and banging her head earlier. As such, the Named Employees reported that the use of de minimis force was necessary to secure and to prevent her from harming herself or others.

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.*) If, as the Complainant alleged, NE#1 used excessive force and broke her wrists when handcuffed and took her into custody, it would have been a violation of this policy.

The Complainant's initial contact with the Named Employees and their use of force were fully captured on BWV. The BWV establishes that Complainant was not subjected to excessive or unnecessary force. To the contrary, the BWV conclusively indicates that the force used during this incident was reasonable, necessary, and proportional, and, thus, consistent with policy. As such, I recommend that this allegation be Not Sustained – Lawful and Proper against all Named Employees.

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

**Named Employee #2 - Allegations #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)**



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**Named Employee #3 - Allegations #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)**