



## CLOSED CASE SUMMARY

ISSUED DATE:      JANUARY 2, 2018

CASE NUMBER:     2016OPA-1259

### 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:

The Complainant alleged that he suffered multiple injuries during his arrest and that his glasses were broken.

### ANALYSIS AND CONCLUSIONS:

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

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

On the date in question, the Complainant struck three women with a wooden dowel. Officers, including the Named Employees, responded to the scene and placed the Complainant under arrest. The Named Employees attempted to handcuff the Complainant, but he resisted their attempts to do so. Initially, the Complainant was standing during the handcuffing, but the officers ultimately brought him down to the ground due to his lack of compliance. The officers recounted that, at one point, the Complainant lunged forward and fell into the patrol vehicle, striking his head on the front lights. The officers reported using no force other than what was necessary to handcuff the resisting Complainant.

Based on the fact that the Complainant struck his head on the vehicle, the Department’s Force Investigation Team (FIT) was notified. FIT verified that the Complainant suffered no injuries from the incident. The FIT Captain further opined that the officers’ actions were in compliance with SPD’s use of force policy.

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 to handcuff the Complainant was reasonable, necessary, and proportional, and thus consistent with policy. This is established not only by the officers’ accounts of the incident, but also by In-Car Video and the statements of civilian witnesses to the incident. Any injuries that the Complainant suffered during the incident, including the damage to his eyeglasses, were caused by his own conduct and are not attributable to the Named Employees.

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

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

**Named Employee #2 - Allegation #1**

***Force - Use - 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)**

**Named Employee #3 - Allegation #1**

***Force - Use - 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)**