



CLOSED CASE SUMMARY

ISSUED DATE: JUNE 23, 2020

CASE NUMBER: 2020OPA-0166

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)
# 2	5.001 - Standards and Duties 10. Employees Shall Strive to be Professional	Not Sustained (Unfounded)

EXECUTIVE SUMMARY:

The Complainant alleged that the Named Employees subjected her to excessive force and that Named Employee #2 was unprofessional towards her.

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the review and approval of the Office of Inspector General for Public Safety, 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 1. Use of Force: When Authorized

On February 27, 2020, the Named Employees responded to a call of a suicidal woman who was in the vicinity of a parking lot in Seattle. The woman's boyfriend informed 911 that the woman – who is the Complainant in this case – was sitting on the ledge of the parking garage and wanted to kill herself, presumably by jumping off.

The Named Employees' response to this incident was captured on Body Worn Video (BWV). The video showed that, when the officers first arrived, the Complainant was standing on the ledge of the parking garage. The video further indicated that, had she jumped, she was a significant distance from the ground, and she would likely have suffered serious bodily harm if not death.

The Named Employees went to where they observed the Complainant. When she saw the Named Employees, she began walking away from them. The Named Employees told her to stop and, when she did not do so, the officers took hold of her arms to prevent her from leaving. Based on a review of BWV, the officers held onto the Complainant's arms for approximately 14 seconds and released her once she had been moved away from the garage ledge.



Based on her expressed suicidality and her demeanor at the scene, the Named Employees made the decision to involuntarily detain her so that she could be taken to a hospital for evaluation. The Named Employees remained with the Complainant until medical assistance arrived and she was transported to the hospital. No further force was used by the Named Employees.

During the incident and again to an Acting Sergeant, the Complainant alleged that the Named Employees used excessive force and hurt her when they grabbed her arms. The Acting Sergeant referred that claim, as well as an allegation of unprofessionalism against Named Employee #2 (NE#2), to OPA and this investigation ensued.

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.*)

From OPA’s review of the BWV, the Named Employees used an extremely low level of force – gripping the Complainant’s arms in an escort hold. The force was reasonable at the time as the Complainant was walking away and the Named Employees had the right to detain her and prevent her from doing so. The force was necessary as the officers were concerned that, if she was allowed the leave, she could harm or kill herself. Indeed, they knew she was suicidal and had previously observed her standing on the ledge of the garage. Lastly, the minimal force used was proportional under the circumstances given the threat the Complainant posed to herself and the significant law enforcement interests in detaining her.

For these reasons, OPA recommends 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), OPA recommends that this allegation be Not Sustained – Lawful and Proper.

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

Named Employee #2 - Allegation #2

5.001 - Standards and Duties 10. Employees Shall Strive to be Professional

The Complainant further alleged that NE#2 treated her unprofessionally during this incident. Specifically, she contended that he told her that she needed to cooperate with them “or else,” which the Complainant perceived to be threatening.



A review of the BWV provided no evidence that this statement was ever made by NE#2 (or, for that matter, by any other officer on scene). To the contrary, the BWV indicated that NE#2 treated the Complainant with empathy and respect. At one point, he referenced his own personal challenges to try to build a rapport with the Complainant. OPA found no basis to conclude that NE#2 was, at any time, threatening, rude, or otherwise unprofessional towards the Complainant.

In reaching these findings, OPA recognizes how traumatic this incident must have been to the Complainant and does not discount the Complainant's perception of what occurred. However, the video, which objectively captured what happened, supports a finding that NE#2 did not violate SPD's professionalism policy.

For these reasons, OPA recommends that this allegation be Not Sustained – Unfounded.

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