



## CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 18, 2021

FROM: DIRECTOR ANDREW MYERBERG  
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2020OPA-0412

### 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)

#### Named Employee #4

Allegation(s):		Director's Findings
# 1	8.200 - Using Force 1. Use of Force: When Authorized	Not Sustained (Lawful and Proper)

#### Named Employee #5

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:

It was alleged that the Named Employees subjected the Complainant to excessive force.

### ANALYSIS AND CONCLUSIONS:

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

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

Officers, including the Named Employees, were dispatched to a call of a man who had just attempted suicide by stabbing himself in the stomach. The 911 caller was the man's mother. When the officers arrived, they entered the apartment of the man – who is the Complainant in this case. The officers observed that the mother was holding a towel to a bleeding wound on the Complainant's torso. The officers learned that the Complainant had stabbed



himself multiple times. The officers called for the Seattle Fire Department (SFD) to come to the scene to provide the Complainant with medical assistance.

SFD personnel came to the apartment and walked the Complainant out. He sat down in the hallway. They were able to convince him to get up. They took the elevator downstairs and walked outside. SFD personnel then attempted to place the Complainant on a gurney in order to transport him to the hospital. The Complainant prevented them from doing so and physically struggled against them. The Named Employees stepped in to assist and collectively were able to control the Complainant's person. While doing so, the officers held the Complainant's body against a parked vehicle; however, the Complainant swung his head and hit it on the vehicle. The officers pulled the Complainant down to the ground to better control his movements. The officers held the Complainant there and handcuffed him. SFD personnel gave the Complainant an injection and he eventually calmed down and was transported from the scene in an ambulance.

During a later supervisory review of this case, an SPD Segreant identified that, during the struggle, the Complainant alleged that he was subjected to "police brutality." The Sergeant screened the incident with OPA, and the Sergeant was asked to make an OPA referral. 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.*)

The entirety of the Named Employees' actions during this incident, including the force they used, was captured on Body Worn Video (BWV). The BWV conclusively established that the Named Employees' force was comprised of control holds purposed to prevent the Complainant from physically fighting with them and to take him into custody. Given his ongoing resistance, this was necessary to ensure that he could receive prompt care for the stab wounds he suffered to his stomach. While, in a perfect world, no force would have been needed, the officers' actions were justified under the circumstances of this case and were purposed to protect, not harm the Complainant. Accordingly, OPA recommends that this allegation be Not Sustained – Lawful and Proper as against all of the 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 #3 - 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 #4 - 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 #5 - 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)**