



CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 20, 2025

FROM: INTERIM DIRECTOR BONNIE GLENN
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0318

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	8.200 – Using Force, 8.200-POL-1. Use of Force: When Authorized (Effective April 24, 2023)	Not Sustained - Lawful and Proper (Expedited)

Named Employee #2

Allegation(s):		Director's Findings
# 1	8.200 – Using Force, 8.200-POL-1. Use of Force: When Authorized (Effective April 24, 2023)	Not Sustained - Lawful and Proper (Expedited)

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 July 31, 2024, Named Employee #1 (NE#1) and Named Employee #2 (NE#2) responded to a domestic violence (DV) call involving the Complainant, who reportedly assaulted Community Member #1 (CM#1), his girlfriend. The Complainant alleged that the named employees used excessive force during his arrest, causing injuries.

ADMINISTRATIVE NOTE:

During its intake investigation, OPA identified NE#2 failing to notify the Complainant that he was being recorded. OPA sent NE#2's potential violation of SPD Policy 16.090-POL-2(1) (Notification of Recording) to his chain of command for Supervisor Action.¹

This case was approved for Expedited Investigation. That means OPA, with the Office of Inspector General's (OIG) agreement, believed it could issue recommended findings based solely on its intake investigation without interviewing the named employees. As such, OPA did not interview the named employees in this case.

On September 9, 2024, OIG certified OPA's investigation as thorough, timely, and objective.

¹ A Supervisor Action generally involves a minor policy violation or performance issue the employee's supervisor addresses through training, communication, or coaching. See OPA Internal Operations and Training Manual section 5.4(B)(ii).



SUMMARY OF INVESTIGATION:

On August 2, 2024, the Complainant submitted an OPA complaint, alleging that the named employees exerted pressure on his back, resulting in his being forced down during his arrest.

OPA investigated the complaint by reviewing body-worn video (BWV), in-car video (ICV), police and supplemental reports, and photos. The Complainant did not respond to OPA's multiple requests for an interview.

BWV recorded the named employees responding to the DV assault call and interviewing CM#1, who reported that "My boyfriend attacked me." CM#1 was crying when officers approached her and stated the Complainant bit her leg.² The named employees located the Complainant nearby, detained him in handcuffs to further investigate the DV assault and seated him. Officers read the Complainant his Miranda warnings and he exercised his right to remain silent. The Complainant then managed to slip one hand out of the handcuffs and attempted to flee, prompting the named employees to restrain him and position him face down on his stomach. NE#2 knelt against the Complainant's shoulder blade. As the Complainant continued to resist by squirming, moving his legs, and shouting, the named employees applied two sets of handcuffs. When the Complainant expressed difficulty breathing, they maneuvered him into the recovery position while maintaining control holds. He persistently resisted by thrashing his legs, rolling onto his back, and shouting. The named employees again turned him onto his stomach, with NE#2 kneeling on his shoulder blade and NE#1 securing his legs in a figure four position (crisscrossing the Complainant's legs and raising them toward his buttocks). Eventually, the named employees were able to get the Complainant back into handcuffs. Officers then escorted him to a patrol vehicle. Officers requested the SFD respond to look at the mild abrasions the Complainant sustained when guided to the ground.³ SFD medically cleared the Complainant for transport and he was transported to the King County Jail.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

8.200 – Using Force, 8.200-POL-1. Use of Force: When Authorized (Effective April 24, 2023)

The Complainant alleged that the named employees excessive force during his arrest, causing injuries.

Officers will only use objectively reasonable, necessary, and proportional force to the threat or urgency of the situation to achieve a law enforcement objective while protecting the life and safety of all persons. SPD Interim Policy 8.200(1) (effective April 24, 2023). Reasonability must consider that officers are often forced to make split-second decisions about the force necessary in a particular situation in tense, uncertain, dynamic, and rapidly evolving circumstances. *Id.* The question is whether the officers' actions were objectively reasonable considering the facts and circumstances confronting them, without regard to their underlying intent or motivation. *Id.* Several factors should be weighed when evaluating reasonableness. *See id.* Force is necessary under the totality of the circumstances when there is no reasonably effective alternative to using physical or deadly force, and the type and amount of physical or deadly force used is a reasonable and proportional response to effect the legal purpose intended or to protect against the threat posed to the officer or others. SPD Interim Policy 8.050 (effective May 19, 2023). Proportional force must reflect the

² A witness officer's incident report stated that officers examined CM#1's lower left leg and observed "an apparent indentation that looked like it was made by teeth, as well as numerous other red marks."

³ The Complainant sustained small scratches on his knees and elbows that were photographed at the scene. The Complainant declined SFD services; however, officers requested SFD respond to assess the Complainant's injuries.



totality of circumstances of the situation, including the nature and immediacy of any threats posed to officers and others. *Id.* Officers must rely on training, experience, and circumstances to decide an appropriate level of force. *Id.*

The named employees' use of force was objectively reasonable, necessary, and proportional under the circumstances. The Complainant was detained when the named employees engaged him. During the investigation, the Complainant, while handcuffed, managed to free one hand and attempted to flee. The named employees responded appropriately by guiding him to the ground, restraining his movements, and reapplying handcuffs. When the Complainant expressed difficulty breathing, the named employees moved him to the recovery position; however, he resisted their control holds and sought to escape. Consequently, the named employees placed him on his stomach and utilized SPD-trained tactics to manage his upper body and legs. Such force was lawful and proper, given the Complainant's resistance and noncompliance. Although they made efforts to assist the Complainant with his reported breathing issues, his ongoing resistance and defiance necessitated the continued use of force to maintain control over his movements.

Accordingly, OPA recommends this allegation be Not Sustained – Lawful and Proper (Expedited).

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

Named Employee #2 – Allegation #1

8.200 – Using Force, 8.200-POL-1. Use of Force: When Authorized (Effective April 24, 2023)

For the reasons articulated in Named Employee #1 – Allegation #1, OPA recommends this allegation be Not Sustained – Lawful and Proper (Expedited).

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