



CLOSED CASE SUMMARY

ISSUED DATE: DECEMBER 27, 2024

FROM: INTERIM DIRECTOR BONNIE GLENN
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0319

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 - Unfounded (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:

Community Member #1 (CM#1) was arrested for driving under the influence (DUI) and transported to the North Precinct. CM#1 alleged that NE#1 pushed her in a holding cell, causing her to fall.

ADMINISTRATIVE NOTE:

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

On September 4, 2024, OIG certified OPA's investigation as thorough and objective but untimely, noting that OPA sent the classification notice to the named employee 28 days beyond the collective bargaining agreement's requirement.

SUMMARY OF INVESTIGATION:

On July 2, 2024, the Complainant—an SPD lieutenant—submitted an OPA complaint on CM#1's behalf. The Complainant wrote that CM#1 was arrested for DUI and was "agitated" and "uncooperative" during processing at the North Precinct. The Complainant wrote that CM#1, in a holding cell, pressed her body against the door, hooked her foot around the doorframe, and fell, injuring her face. The Complainant wrote that CM#1 alleged that NE#1 threw her to the ground.

OPA investigated the complaint by reviewing body-worn video (BWV), holding cell video, incident and supplemental reports, and use-of-force statement.

BWV captured CM#1's arrest for DUI and transport to the North Precinct. In the blood-alcohol content room, NE#1 Mirandized CM#1 and provided her implied consent warnings, but she declined a breathalyzer test. NE#1 escorted CM#1 to a holding cell, but she began pulling away at its entrance. NE#1 and a backing officer guided CM#1 into the



holding cell. NE#1 and the backing officer exited and began shutting the door. CM#1 approached and pressed her back against the door. NE#1 extended his arm toward CM#1's chest, preventing her from exiting. NE#1 and the backing officer closed the door but then reopened it. CM#1 was on the ground on her stomach. NE#1 moved CM#1 onto her side. CM#1 cried and shouted, "You made my mouth fucking bleed!" NE#1 exited the holding cell. CM#1 told backing officers, "He pushed me the fuck down."

The holding cell video captured CM#1's fall. CM#1's left foot was hooked around the doorframe as NE#1 and the backing officer closed the door.



NE#1's incident report and use-of-force statement were consistent with OPA's video observations.



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 NE#1 used unauthorized force by pushing her to the ground.

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 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.*

Video showed NE#1 using, at most, *de minimis* force. *See* SPD Interim Policy 8.050 (effective May 19, 2023) (defining *de minimis* force as a physical interaction meant to separate, guide, and/or control without using control techniques that are intended to, or are reasonably likely to, cause pain or injury). CM#1 was agitated and non-compliant and likely fell because she pushed against the door with her back and lost her balance from hooking the doorframe with her foot as NE#1 closed the door. NE#1's *de minimis* force involved guiding CM#1 into the holding cell and extending his arm toward her chest when she pressed her back against the door. CM#1's claim that NE#1 "pushed [her] the fuck down" was not supported by video evidence.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

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