



## CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 1, 2020

CASE NUMBER: 2019OPA-0807

### **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 the Named Employees used excessive force on the Subject when they involuntarily detained 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 - Allegations #1**

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

The Complainant called 911 to report that her partner – who is referred to here as the Subject – was harming herself with a knife. The Complainant disclosed that the Subject suffered from PTSD. She asked that officers come to their residence to provide assistance.

Officers, including the Named Employees, responded to the residence. The law enforcement action the officers subsequently took was fully recorded on Body Worn Video (BWV).



The officers entered the residence and contacted both the Complainant and the Subject. The Subject stated that she did not want the officers in the house and that she did not need assistance. An officer asked where the knife was, and the Subject said that she did not have one on her and indicated that the knives were in the kitchen. The Subject walked away from the officers through the kitchen and into a bathroom. She closed the door. The Complainant told the officers that there was a knife in the bathroom and asked the officers to do something. An officer asked where the blood on the floor was from and the Complainant said that the Subject was bleeding.

Officers entered the bathroom and spoke with the Subject. She said that she did not know where the blood was coming from but confirmed that it was on her. She was extremely agitated and told the officers that she suffered from PTSD and was “in a state.” The Subject was upset that the officers were in her home. She declined to exit the bathroom and sat down. She remained in the bathroom crying while officers tried to communicate with her. Officers asked the Subject if she would go to the hospital and she said no.

Eventually the Subject stood up and walked out of her bathroom. She entered the living room where the Named Employees were. She continued to tell the officers to leave her residence until a supervisor told the Named Employees to place the Subject into handcuffs in order to transport her to the hospital for treatment. The handcuffs were applied while the Subject was standing up. At one point, she sunk down to the ground and complained that the officers were hurting her. She later went down onto her side and appeared to begin hyperventilating and told the officers that she was “panicking.” The officers made the decision to remove the Subject’s handcuffs in order to calm her down and continued to try to reason with her. She remained extremely upset. The Subject stayed on the ground for more than 10 minutes. At that point, she walked out of the apartment and sat down on a gurney. She was then transported to the hospital. In the report generated for this incident, Named Employee #1 documented that the decision was made to involuntarily detain the Subject because, based on the information available to the officers, she presented a risk of imminent harm to herself.

The Complainant later alleged to OPA that the Named Employees used excessive force on the Subject. She specifically stated that it was unnecessary for multiple officers to handcuff the Subject and to pin her to the floor. This OPA 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.*)

As a starting point, OPA recognizes how difficult this situation must have been for both the Complainant and the Subject. It must have been frightening and traumatic to see how distraught the Subject was and to witness the Subject self-harming. OPA also understands why the Complainant is upset and why she filed this complaint.

However, based on OPA’s review of policy and the law, once called to the residence and after observing the Subject’s condition, the officers had no option other than to involuntarily detain her. The BWV indicated that she was not initially willing to go to the hospital and that she remained agitated. At that point, the officers made the collective decision that the Subject needed to be handcuffed and removed from the residence against her will.



The officers did not come to this decision lightly, but it was warranted under the circumstances as the Subject presented a significant risk of harm to herself and potentially the Complainant had she been left in the residence. Moreover, handcuffing an individual prior to involuntarily detaining them is a common occurrence, particularly where, as here, the detained individual is not cooperative and in a vulnerable emotional state.

Handcuffing is, by its nature, uncomfortable. However, OPA's review of the video did not reveal anything out of the ordinary with regard to the handcuffing or any undue force applied by the Named Employees at that time. While multiple officers effectuated the handcuffing, this was consistent with policy and training. Moreover, the BWV does not support a finding that the officers pinned the Subject to the ground, as the Complainant contended. Instead, it showed that the Subject went down to the ground on her own power and remained there on her own volition. The officers did not touch her other than to eventually remove the handcuffs.

Ultimately, OPA finds that the low-level force the Named Employees used was reasonable, necessary, and proportional. As such, OPA concludes that this force was consistent with policy and 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 - Allegations #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 - Allegations #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)**