



CLOSED CASE SUMMARY

ISSUED DATE: AUGUST 28, 2018

CASE NUMBER: 2018OPA-0211

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)

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 Employee subjected him to excessive force.

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the OPA Auditor’s review and approval, believed that it could reach and issue recommended findings based solely on its intake investigation and without interviewing the Named Employee. As such, the Named Employee was 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

The Complainant alleged that, during his arrest and when he was handcuffed, Named Employee #1 (NE#1) was “jerking” him around by his arm. The Complainant further contended that NE#1 again “jerked” him around when he was in the Sally Port of the West Precinct. This issue was reported to a supervisor, who reviewed the Department video of the incident. The supervisor did not identify any force used by NE#1, let alone excessive force. However, NE#1 referred this matter to OPA pursuant to policy.

During its investigation, which was designated as expedited with the agreement of the Auditor, OPA also reviewed the Department video. OPA, like NE#1’s supervisor, found no evidence that NE#1 used anything other than de minimis force on the Complainant. NE#1 only appeared to take hold of the Complainant’s arm in order to guide him out of the apartment and to the patrol vehicle. He never appeared to “jerk” the Complainant’s arm or use any other significant force. That force was, in OPA’s opinion, consistent with policy and training. As such, I recommend that this allegation be Not Sustained – Lawful and Proper.

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