



## **CLOSED CASE SUMMARY**

ISSUED DATE:      NOVEMBER 14, 2018

CASE NUMBER:     2018OPA-0459

### **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 (Unfounded)
# 2	8.200 - Using Force 2. Use of Force: When Prohibited	Not Sustained (Unfounded)

***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 she was subjected to excessive force by the Named Employee.

### **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 was identified as the suspect in an assault. Named Employee #1 (NE#1) obtained the Complainant’s description and located her approximately one block from the scene. NE#1 attempted to detain the Complainant by taking hold of her arm. The Complainant appeared to be in severe crisis. She called NE#1 a “rapist” and alleged that he raped her. She then tried to move away from NE#1 and he prevented her from doing so. The Complainant continued to allege that NE#1 raped her. She further contended that NE#1 assaulted her and subjected her to excessive force. A supervisor arrived at the scene and interviewed the Complainant. She repeated her claim of excessive force and this matter was referred to OPA.

NE#1’s Body Worn Video (BWV) captured the entirety of his interaction with the Complainant. The BWV clearly established that NE#1 solely used de minimis force to control the Complainant. The BWV conclusively indicated that NE#1 did not, at any point, use excessive force on or assault the Complainant. Indeed, the BWV showed that NE#1 handled this matter and a very difficult Complainant appropriately and professionally.

OPA’s review of the evidence yields the conclusion that the Complainant’s allegations against NE#1 are frivolous. As such, I recommend that this allegation be Not Sustained – Unfounded.



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

**Named Employee #1 - Allegation #2**

***8.200 - Using Force 2. Use of Force: When Prohibited***

For the same reasons as stated above (see Named Employee #1, Allegation #1), I recommend that this allegation be Not Sustained – Unfounded.

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