



CLOSED CASE SUMMARY

ISSUED DATE: DECEMBER 14, 2017

CASE NUMBER: 2016OPA-0932

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)
Discipline Imposed: N/A		

Named Employee #2

Allegation(s):		Director’s Findings
# 1	8.200 - Using Force 1. Use of Force: When Authorized	Not Sustained (Unfounded)
Discipline Imposed: N/A		

Named Employee #3

Allegation(s):		Director’s Findings
# 1	8.200 - Using Force 1. Use of Force: When Authorized	Not Sustained (Unfounded)
Discipline Imposed: N/A		

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 "hit him in the face and/or pushed his head into the police car when he was put into the backseat."

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

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

The Complainant was arrested for malicious harassment. The Named Employees were the three officers that effectuated the Complainant’s arrest and searched him incident to arrest. After his arrest, the Complainant was transported to a precinct and placed in a holding cell.

While he was in the holding cell waiting to be transported to jail, an officer checked on the Complainant and saw a small “puddle” of blood on the floor. When asked, the Complainant stated that an officer, allegedly one of the Named Employees, struck him in the face causing his mouth to bleed.

A Sergeant conducted a force investigation based on the allegation. When asked, the Complainant again asserted that he was struck in the face by an officer. The Sergeant explained to the Complainant that he was videotaped during the incident and that a false statement could result in criminal charges. The Complainant then changed his story to state that his head was pushed into a patrol car by an officer. When confronted with the fact that the patrol



cars also have video cameras, the Complainant again modified his story to state that he did not know how he injured his mouth.

The entirety of the Complainant's interaction with the Named Employees was captured on In-Car Video, holding cell video, and private video. Based on a review of that video, it is clear that none of the Named Employees struck the Complainant or pushed his head into the patrol car. In fact, the holding cell video captured the Complainant making a movement with his mouth then spitting repeatedly on the floor. This is more than likely the cause of the blood found in the holding cell.

Based on the Complainant's inconsistent statements and the indisputable video evidence, I conclude that none of the Named Employees engaged in the conduct alleged by the Complainant. As such, I recommend that this allegation be Not Sustained – Unfounded.

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

Named Employee #2 - Allegation #1

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

For the same reasons as stated above, I recommend that this allegation be Not Sustained – Unfounded.

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

Named Employee #3 - Allegation #1

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

For the same reasons as stated above, I recommend that this allegation be Not Sustained – Unfounded.

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