



CLOSED CASE SUMMARY

ISSUED DATE: OCTOBER 8, 2018

CASE NUMBER: 2018OPA-0328

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)

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 he was subjected to excessive force by the Named Employees.

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 Employees. As such, the Named Employees were 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

Named Employees #1 (NE#1) and Named Employee #2 (NE#2) responded to call for fast back up from AMR personnel. When they arrived to the scene, AMR personnel reported to the Named Employees that they had observed the Complainant assaulting a woman.

NE#1 and NE#2 contacted the Complainant, who confirmed that the assault had occurred and that he engaged in this behavior because he wanted to have sex with the woman. The Complainant then began to sexually harass NE#1 and attempted to grab her. NE#1, who was alone with the Complainant at the time, radioed for assistance to NE#2. He came over and they together took the Complainant down to the ground using a controlled takedown. They put him into a seated position. They then placed him into handcuffs. Department video confirmed that no other force was used.



A Sergeant arrived on scene to screen the arrest. The Complainant alleged to the Sergeant that NE#1 and NE#2 both used excessive force when they slammed him to the ground and caused his head to hit the cement. The Complainant stated that he had injuries to his head and back. The Sergeant did not observe any indication of injury. However, given the Complainant's explicit allegation of excessive force, the Sergeant referred this matter to OPA and this Expedited Investigation ensued.

Based on my review of the record, including the Department video, I find that the Complainant's excessive force allegation is conclusively disproved by the evidence. I conclude that the Named Employees used de minimis force to effectuate the arrest of the Complainant, to handcuff him, and to take him into custody. This force was reasonable, necessary, and proportional, and was, thus, consistent with policy.

As such, I recommend that this allegation be Not Sustained – Lawful and Proper as against both Named Employees.

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

Named Employee #2 - Allegation #1

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

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

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