



CLOSED CASE SUMMARY

ISSUED DATE: DECEMBER 16, 2018

CASE NUMBER: 2018OPA-0586

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy	Not Sustained (Lawful and Proper)

Named Employee #2

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy	Not Sustained (Lawful and Proper)

Named Employee #3

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy	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 assaulted him during his arrest.

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

5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy

The Named Employees responded to a report of a shooting near an encampment. Upon arrival, they noticed a male standing near the encampment. When the male saw the Named Employees, he began running away from them. The male was later identified as the Complainant. The Named Employees provided verbal warnings identifying themselves as the police and advised the Complainant to stop; however, he refused to do so.



Named Employee #1 (NE#1) caught up with the Complainant and tackled him to the ground to detain him for investigation. Named Employee #2 (NE#2) held the Complainant's legs while the Complainant was handcuffed. Named Employee #3 (NE#3) handcuffed the Complainant and began searching the Complainant's backpack for weapons.

NE#2 attempted to stand the Complainant up from the ground and the Complainant became uncooperative. NE#3 assisted NE#2, and NE#2 and NE#3 placed the Complainant in an under-hook position and sat him back on the ground. The Complainant later alleged that the Named Employees assaulted him.

SPD Policy 5.001-POL-2 states that employees must adhere to laws, City policy, and Department policy. Had the Named Employee assaulted the Complainant, as he alleged, they would have violated this policy.

However, as established by the record and, most notably, the Department video, there is no evidence that supports the claim that the Complainant was assaulted in any way. To the contrary, the evidence indicates that the Named Employees used force sufficient to detain the Complainant for investigation of committing a crime with a firearm, which they had the legal authority and lawful purpose to do.

NE#1 used reportable force that was reasonable and necessary to stop and detain a fleeing suspect that the Named Employees' believed was potentially involved in a shooting. This use of force was documented, reviewed and approved by the chain of command. NE#2 and NE#3 both used de minimis force when they utilized control holds to detain an uncooperative subject. This force was also reasonable, necessary, proportional.

For these reasons, I recommend that this allegation be Not Sustained – Unfounded against all of the Named Employees.

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

Named Employee #2 - Allegation #1

5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy

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)**

Named Employee #3 - Allegation #1

5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy

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)**