



## CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 6, 2018

CASE NUMBER: 2017OPA-0836

### 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)

*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:

Named Employee #1 was alleged to have used excessive force while working at a demonstration. The complaint was initiated with OPA by an Anonymous Complainant.

### ANALYSIS AND CONCLUSIONS:

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

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

An Anonymous Complainant (referred to herein as “they/them/their”) alleged that Named Employee #1 (NE#1) used excessive force on them during the Freedom Rally demonstration. Specifically, the Anonymous Complainant claimed that NE#1 hit them with her bike, grabbed their arm, and shoved them.

As the Complainant was anonymous, OPA was unable to interview them to determine more specific facts concerning this incident and how NE#1’s force was excessive.

OPA interviewed NE#1 during its investigation. NE#1 denied using force during the demonstration as described by the Anonymous Complainant. In fact, NE#1 stated that she did not use any reportable force while in the location described by the Anonymous Complainant.

OPA additionally interviewed four other officers who worked at the demonstration in close proximity to NE#1. Three officers affirmatively reported not witnessing NE#1 use force consistent with the allegations made by the Anonymous Complainant. The fourth officer did not recall seeing NE#1 interact with any demonstrators, but stated that, had he observed the force detailed by the Anonymous Complainant, he would have remembered that.

Lastly, OPA did not locate any Department or third party video of the incident.

Based on the information in the record, and applying a preponderance of the evidence standard, I conclude that it is more likely than not that NE#1 did not use the force alleged by the Anonymous Complainant. I base this on NE#1’s denial that she used such force, the corroborating statements by the other witness officers, and the lack of any



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contrary evidence aside from the electronic complaint submitted by the Anonymous Complainant. As such, I recommend that this allegation be Not Sustained – Unfounded.

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