



## CLOSED CASE SUMMARY

ISSUED DATE: OCTOBER 23, 2018

CASE NUMBER: 2018OPA-0414

### 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:

The Complainant alleged that he was subjected to excessive force during his arrest by the Named Employee.

#### ANALYSIS AND CONCLUSIONS:

##### **Named Employee #1 - Allegations #1**

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

The Complainant was viewed walking on a public sidewalk by multiple officers, including Named Employee #1 (NE#1). The officers were aware that the Complainant had an active warrant. The officers approached the Complainant and he fled on foot. He was chased and eventually taken to the ground by officers. While he was on the ground, a loaded firearm was located in his waistband. Notably, the Complainant was a convicted felon who was prohibited from carrying a firearm.

At one point, the Complainant was placed in a seated position and NE#1 propped up the Complainant’s head by cupping the back of his neck. The Complainant then asserted that he was being choked. He was placed into a patrol vehicle where he spoke with a Sergeant. He told the Sergeant that the seatbelt was also impairing his breathing. He further told the Sergeant that he had been choked by NE#1. He refused to provide further information in response to the Sergeant’s questions.

NE#1’s interactions with the Complainant were completely captured by Body Worn Video (BWV). The BWV conclusively established that NE#1 never choked the Complainant or impaired the Complainant’s breathing. As such, I deem the Complainant’s allegation against NE#1 to be frivolous and I recommend that this allegation be Not Sustained – Unfounded.

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