



CLOSED CASE SUMMARY

ISSUED DATE: DECEMBER 3, 2018

CASE NUMBER: 2018OPA-0604

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)

Named Employee #2

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 the Named Employees subjected him to excessive force when they struck him with their vehicle.

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 - Allegations #1

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

Officers assigned to the North Precinct Anti-Crime Team were conducting a theft sting operation with Lowe’s store loss prevention employees. During that operation, the officers observed the Complainant stealing items from the store. Officers approached the Complainant in an attempt to stop him; however, the Complainant fled on a bicycle. The Named Employees pursued the Complainant in their police vehicle, which had its emergency lights and siren activated. Named Employee #1 drove the patrol vehicle in the vicinity of the Complainant, who got off of his bicycle and fled on foot. The Complainant ultimately stopped fleeing and was taken into custody by the officers. This was done without incident and without any force being used other than that needed to move the Complainant onto his stomach and to handcuff him.



The Complainant later alleged that he had been subjected to excessive force when the Named Employees hit him with their police vehicle. While the Named Employees' supervisor reviewed their Body Worn Video (BWV) and deemed the Complainant's claim unfounded, given the nature of the allegation, this matter was referred to OPA.

OPA also reviewed the BWV and determined that the Named Employees never struck the Complainant with their police vehicle. Notably, OPA concluded that only de minimis force was used on the Complainant and that this force was consistent with policy and appropriate under the circumstances. Ultimately, OPA finds that the Complainant's allegation is meritless and recommends that this allegation be Not Sustained – Unfounded as against both Named Employees.

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

Named Employee #2 - Allegations #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 – Unfounded.

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