



## **CLOSED CASE SUMMARY**

ISSUED DATE:      JANUARY 15, 2019

CASE NUMBER:      2018OPA-0705

### **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 the Named Employees broke her wrists, thus subjecting her to excessive force.

**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***

The Complainant alleged that Named Employee #1 (NE#1) and Named Employee #2 (NE#2) used excessive force when they handcuffed her. She alleged that, as a result of this force, she suffered broken wrists. She further alleged that she was subjected to an improper search by a male officer. This allegation was handled under in a separate OPA case that was handled as a Supervisor Action. (See 2018OPA-0859.)

NE#1 and NE#2 were dispatched to a disturbance. When they arrived, they could hear the Complainant outside yelling. After conducting an investigation, which included speaking with both the Complainant and the victim, NE#1 and NE#2 developed probable cause to arrest the Complainant for assault.

The Named Employees then placed the Complainant under arrest and handcuffed her. The handcuffing was captured on Body Worn Video (BWV). From a review of the BWV, the officers did not appear to apply any undue



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force when they handcuffed the Complainant. Moreover, the BWV conclusively disproved that her wrists were broken as a result of the handcuffing.

Ultimately, the Named Employees used de minimis force to take the Complainant into custody. This force was reasonable, necessary, proportional, and, thus, consistent with policy. For these reasons, I recommend that this allegation be Not Sustained – Lawful and Proper.

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

**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 – Lawful and Proper.

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