



CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 19, 2019

CASE NUMBER: 2018OPA-0873

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)

Named Employee #3

Allegation(s):		Director’s Findings
# 1	8.200 - Using Force 1. Use of Force: When Authorized	Not Sustained (Unfounded)

Named Employee #4

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 her to excessive force when one of them punched her in the mouth, which injured one of her teeth.

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 Named Employees were dispatched to an ongoing incident at a market. The Complainant, who was inside, was nude and was causing a disturbance. After the officers attempted to reason with her for a period of time and gain her voluntary compliance, the decision was made to go hands on in order to take her into custody. The Complainant tried to evade the officers, but one officer was able to stop her by grabbing her arm. She was then placed into



handcuffs and was walked out of the market and towards a patrol vehicle. During that time, the Complainant physically resisted the officers. When the officers got to the patrol vehicle, she again physically resisted their attempts to seat her inside. They were ultimately able to do so. She was later interviewed by a supervisor and, at that time, she stated that an unknown officer punched her the night before and chipped her tooth.

OPA's investigation revealed that, while she did suffer a chipped tooth the night prior, that injury was caused by her boyfriend, not any SPD officer. Indeed, the Complainant identified her boyfriend as the perpetrator and he was arrested for that assault.

As such, the allegation that one of the Named Employees subjected her to excessive force and caused her to suffer a chipped tooth is unsubstantiated by the evidence and, moreover, is clearly frivolous. With regard to the force that the Named Employees did use on the Complainant to take her into custody and seat her into the patrol vehicle, I find that it was de minimis in nature and that it was reasonable, necessary, and proportional.

Given that the specific force alleged by the Complainant never occurred, I recommend that this allegation be Not Sustained – Unfounded as against all of the 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)**

Named Employee #3 - 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)**

Named Employee #4 - 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)**