



CLOSED CASE SUMMARY

ISSUED DATE: MAY 4, 2018

CASE NUMBER: 2017OPA-1192

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 the Named Employee “beat the shit” out of him, which was interpreted as an allegation of excessive force and referred to OPA.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

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

The Complainant was detained for possession of an open alcohol container and trespassing. When the officers initially tried to identify him, the Complainant provided false identification. When they were able to determine his true identity, the officers determined that the Complainant had an open felony warrant. The Complainant was then placed under arrest and seated in the rear of a patrol vehicle.

The Complainant’s stop and detention, as well as his arrest, were recorded on In-Car Video (ICV) and Body Worn Video (BWV). Based on a review of the video, it appeared that Named Employee #1 (NE#1) had only limited interaction with the Complainant. Notably, he solely appeared to assist in verifying the Complainant’s identity. Based on a review of the video, no force was used on the Complainant by NE#1 or, for that matter, any other officer.

After he was placed into the rear of the patrol vehicle, the Complainant’s arrest was screened by NE#1’s sergeant. During that arrest screening, the sergeant asked the Complainant whether he had any injuries. At that time, the Complainant told the sergeant that NE#1 “beat the shit” out of him. Even though the Complainant had no injuries and the allegation was clearly baseless, the sergeant referred this matter to OPA as he was required to do. Moreover, OPA initiated an investigation of this incident as OPA was required to do pursuant to ordinance and its operating manual.

While OPA was required to investigate this matter, it was designated, with the agreement of the OPA Auditor, as an expedited investigation. This means that OPA determined that findings could be reached based on the documentation and videos and without interviewing NE#1 or any of the other involved officers.



Based on my review of the record, including the objective video evidence, I find no support for the Complainant's allegation that he was subjected to excessive force by NE#1. Indeed, I conclude that these claims are frivolous. I further note that, while in the rear of the patrol vehicle, the Complainant used curse words and slurs towards the officers. He also spat all over the rear of the car. I find the Complainant's conduct to have been reprehensible. To the contrary, I find that NE#1 and the other involved officers conducted themselves appropriately and commendably in this instance.

Ultimately, the Complainant's allegations are meritless and I recommend that this allegation be Not Sustained – Unfounded.

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