



## CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 22, 2019

CASE NUMBER: 2018OPA-0743

### 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)

*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 subjected him 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 Employee. As such, the Named Employee was not interviewed as part of this case.

#### ANALYSIS AND CONCLUSIONS:

##### **Named Employee #1 - Allegation #1**

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

Named Employee #1 (NE#1) and another officer responded to a shoplift call. NE#1 performed an area check and located the Complainant, who matched the description of the suspect. NE#1 activated her patrol vehicle’s emergency equipment and pulled over. She got out of her patrol vehicle and gave the Complainant orders to stop and sit down. When he did not immediately comply, NE#1 caused the Complainant to go down to the ground and had him sit cross-legged. She held the Complainant down with her hand, but he began to move around and stood up. NE#1 then grabbed onto the Complainant and, after a brief struggle, again forced the Complainant down to the ground. She held the Complainant there and called for backup. While this officer was on his way, the Complainant asked NE#1 why she was “attacking” him and contended that she was beating him up. The Complainant later told a supervisor that NE#1 slammed him to the ground, injuring his lip. The supervisor referred this matter to OPA and this investigation ensued.

The entirety of the interaction between NE#1 and the Complainant was captured on NE#1’s Body Worn Video (BWV). Based on my review of the BWV, it appeared that NE#1 used de minimis force to control the Complainant and to prevent him from fleeing. There is no indication that she slammed him into the ground, as he contended, or that she ever caused him to suffer an injury. With regard to the force that NE#1 did use, I find that it was reasonable, necessary, and proportional, and, thus, consistent with policy.



---

As such, I recommend that this allegation be Not Sustained – Lawful and Proper.

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