



CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 24, 2019

CASE NUMBER: 2018OPA-0791

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 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 Employees. As such, the Named Employees were 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 4. Police Canines Shall be Deployed as a Force Tactic Only When Objectively Reasonable

The Named Employee #1 (NE#1) observed a loud explosion and smoke near a large crowd. NE#1 determined that someone had set off fireworks. NE#1 saw an individual walking away from the crowd. This individual – who was later identified as the Complainant – was identified as the person who set off the fireworks by a number of community members.

NE#1 contacted the Complainant. At that time, another community member pointed out that the Complainant had just dropped additional fireworks. NE#1 then placed the Complainant under arrest.

After his arrest, the Complainant alleged that he had been subjected to excessive force. Even though the Complainant’s supervisor reviewed the video and determined that no force, let alone excessive force, had been used, this matter was referred to OPA and this investigation ensued.



OPA reviewed BWV and, like the referring supervisor, did not see any use of force. OPA further reviewed the holding cell video, which depicted the Complainant lying on a bench while asleep and falling off that bench, striking the floor. However, no force was used on him at the precinct.

Based on my review of the video evidence, I find no indication that NE#1 used any reportable force or caused the Complainant to suffer any injury. Given this, I find that NE#1 did not violate Department policy during this incident and that the Complainant's allegation is demonstrably frivolous. As such, I recommend that this allegation be Not Sustained – Unfounded.

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