



CLOSED CASE SUMMARY

ISSUED DATE: JULY 17, 2018

CASE NUMBER: 2018OPA-0105

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 used excessive force on him.

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

Officers were called to a report of a disturbance at a hospital. When they arrived at the scene, the officers were notified that the Complainant had made threats to hospital staff. When they spoke to the Complainant, he asserted that hospital staff were bothering him. One hospital employee told the officers that the Complainant had been discharged from the hospital and that they wanted him to leave. The officers reported that they believed that the Complainant was suffering from mental illness and was potentially in crisis, but that they did not have a sufficient basis to detain him at that time. The Complainant left the scene.

After the Complainant walked out of the hospital, a hospital employee provided further information to the officers concerning the threats made by the Complainant and, specifically, that the Complainant threatened to kill several hospital employees. The officers also determined that there was an open felony warrant for the Complainant’s arrest.

The officers then again made contact with the Complainant outside of the hospital with the intention of arresting him. The Complainant was placed under arrest. One officer applied handcuffs to the Complainant and Named Employee #1 (NE#1) walked the Complainant to the rear of the patrol vehicle. From a review of the Department video of the incident, NE#1 did not use any force on the Complainant at any time.



Notably, the Complainant, who is Caucasian, referred to NE#1, who is African-American, and other officers using racial slurs on multiple occasions. One of the witness officers also reported that the Complainant threatened that he was going to say “ouch” in order to create additional paperwork for the officers.

A sergeant screened the Complainant’s arrest. During his conversation with the Complainant, the Complainant alleged to the sergeant that NE#1 had used excessive force on him. The Complainant made additional racially pejorative statements towards NE#1 at that time. Based on the Complainant’s allegation of excessive force, the sergeant referred this matter to OPA and this investigation ensued.

Based on OPA’s review of the documents generated as a result of this incident and of the Department video that recorded this incident in its entirety, this case was designated as an Expedited Investigation with the approval of the OPA Auditor. This means that OPA believed that it could make a determination on the merits of the Complainant’s claim without interviewing NE#1.

I believe that the evidence is abundantly clear that NE#1 never used any force on the Complainant, let alone excessive force. Indeed, NE#1 appeared to act at all times consistent with policy, even in light of the disgusting and racist statements made towards him by the Complainant. Indeed, NE#1 should be commended for the way he handled this case and for not losing his temper, which would have been understandable under the circumstances.

For these reasons, I recommend that this allegation be Not Sustained – Unfounded.

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