



CLOSED CASE SUMMARY

ISSUED DATE: OCTOBER 9, 2018

CASE NUMBER: 2018OPA-0352

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 used excessive force.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

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

The Complainant alleged that Named Employee #1 (NE#1) subjected her to excessive force while she was restrained on a hospital gurney. Specifically, she claimed that NE#1 bruised her wrist when he attempted to remove an object from her hand.

NE#1 responded to the hospital to guard the Complainant. NE#1 was informed by hospital staff that the Complainant had already attempted to escape. While NE#1 was guarding the Complainant, she began to flail around on the gurney. She made statements suggesting that she wanted to self-harm and wrapped a blanket around her neck. NE#1 removed the blanket and observed that the Complainant had a metal object in her hand, which NE#1 identified as a hair clip. Given her comments and the fact that the metal hair clip could be used by the Complainant as a weapon or to harm herself, NE#1 made the decision to take the hair clip. NE#1 held the Complainant’s wrist and removed the hair clip from her possession.

NE#1 completed both a General Offense Report and a Type II use of force report. In those reports, he set forth the extent of and basis for the force that he used. There was no video of this incident as NE#1 was in the hospital and did not record either In-Car Video or Body Worn Video.

OPA attempted to interview the Complainant; however, she did not respond to OPA and, as such, did not provide a statement relating to this case.

Based on my review of the record, the totality of the evidence indicates that the force used by NE#1 was reasonable, necessary, and proportional. The force was purposed to prevent the Complainant from harming herself or others and was only that needed to remove a potential weapon from her possession. To this end, I find that the force was



lawful and appropriate and, thus, was consistent with policy. As such, I recommend that this allegation be Not Sustained – Lawful and Proper.

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