



## CLOSED CASE SUMMARY

ISSUED DATE: DECEMBER 18, 2018

CASE NUMBER: 2018OPA-0641

### 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)

**Named Employee #2**

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 Employees subjected her to excessive force.

### ANALYSIS AND CONCLUSIONS:

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

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

The Named Employees, along with other officers, were conducting a narcotics operation in the West Precinct. The Complainant was observed engaging in a drug transaction and was placed under arrest. The Named Employees took the Complainant into custody and handcuffed her. They did so without incident and without using anything other than de minimis force. At that time, the Complainant alleged that the Named Employees “bashed” her head into a glass window and choked her. Based on her allegation of excessive force, this matter was referred to OPA and this investigation ensued.

As part of its investigation, OPA reviewed the Body Worn Video (BWV) of the Complainant’s arrest and her time in custody. The BWV video indicates that the Complainant’s head was not “bashed” into any surface and that she was not choked by the Named Employees. Indeed, it indicates that, at no time, did the Named Employees use excessive force. To the contrary, the de minimis force they used was reasonable, necessary, and proportional under the circumstances and, thus, was consistent with policy.

Given the above, I find that the Complainant’s allegation was demonstrably false and frivolous. As such, I recommend that this allegation be Not Sustained – Unfounded as against both Named Employees.

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



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**Named Employee #2 - Allegation #1**

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

For the same reasons as stated above (see Named Employee #1, Allegation #1), I recommend that this allegation be Not Sustained – Unfounded.

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