



CLOSED CASE SUMMARY

ISSUED DATE: JULY 26, 2018

CASE NUMBER: 2018OPA-0146

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 he was subjected to excessive force when he was handcuffed by the Named Employee.

ADMINISTRATIVE NOTE:

With the agreement of the OPA Auditor, this case was designated as an Expedited Investigations. This means that, in OPA’s opinion, recommended findings could be reached based solely on OPA’s intake investigation and without interviewing the Named Employee. As such, the Named Employee was not interviewed.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

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

Officers were dispatched to the scene of a possible car theft at an auto dealership. When the officers arrived, they observed the Complainant and another individual in the rear of a car. Both were ordered out of the car. The officers directed the Complainant to sit on the ground and he did so. He was then placed into handcuffs by Named Employee #1 (NE#1). Based on a review of Body Worn Video (BWV), there appeared to be nothing out of the ordinary with the application of the handcuffs. The Complainant did not make any complaint of pain at the time he was handcuffed. However, when he was transported from the scene some time thereafter, he complained of pain from the handcuffs.

A supervisor conducted a Type I force review. With regard to the force, the Complainant told the supervisor: “that was not necessary, I gave up and didn’t try to run.” When asked to further elaborate on his complaint, the Complainant stated: “the handcuffs, I had given up my hands were up and whoever arrested me did a Vulcan Death Grip on me.” Based on these statements, the supervisor referred this matter to OPA.

Based on my review of the objective evidence there is nothing in the record suggesting that NE#1 applied force that was inconsistent with policy. To the contrary, the force used was only that necessary to apply handcuffs to the Complainant. No other force was used by NE#1 or any other officer. While the Complainant may have genuinely



experienced pain from the handcuffs, that is understandable given that handcuffs are, by their very nature, uncomfortable. This is to ensure that arrestees do not escape from custody and to provide for the safety of officers and community members. Ultimately, the force used here was reasonable, necessary, and proportional to effectuate the Complainant's arrest and to take him into custody. Accordingly, I recommend that this allegation be Not Sustained – Lawful and Proper.

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