



CLOSED CASE SUMMARY

ISSUED DATE: NOVEMBER 25, 2018

CASE NUMBER: 2018OPA-0521

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)
# 2	8.200 - Using Force 2. Use of Force: When Prohibited	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 her to excessive force when he shoved her face first into a patrol vehicle while she was handcuffed.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

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

Officers, including Named Employee #1 (NE#1), responded to an apartment building to investigate a potential attempted burglary. While there, the officers observed another attempted burglary, which they believed the Complainant was involved in. NE#1 and another officer developed probable cause to arrest the Complainant when they determined that she took the wallet and watch of another individual. They then took her into custody. At that time, NE#1 and the other officer handcuffed the Complainant and escorted her out of the building using only de minimis force to control her person. Once she was outside, the Complainant was transferred into the custody of two other officers who placed her into a patrol vehicle.

While she was being held at the precinct, the Complainant was interviewed by a Department supervisor. The supervisor noticed that the Complainant had two small scratches on her face and the supervisor asked how those injuries were incurred. The Complainant then stated that NE#1 had injured her when he shoved her face first into a patrol vehicle while she was handcuffed. The Complainant confirmed that the officer who harmed her was “Asian or Cambodian.” NE#1 was the only officer of Asian descent who interacted with the Complainant.

While the Complainant identified NE#1 as the individual who subjected her to excessive force, NE#1 did not, in fact, place the Complainant into the patrol vehicle. Two other officers did so when the Complainant was transferred into their custody. Moreover, the Complainant’s arrest and placement into the patrol vehicle was captured in its entirety on Body Worn Video and In-Car Video. The Department video conclusively establishes that the Complainant was never shoved into the patrol vehicle by any officer, let alone NE#1. Moreover, it further conclusively establishes that the Complainant’s allegations against NE#1 are frivolous.



For the above reasons, and as there is no merit to the Complainant's claims in this case, I recommend that this allegation be Not Sustained – Unfounded.

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

Named Employee #1 - Allegation #2

8.200 - Using Force 2. Use of Force: When Prohibited

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)**