



## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Closed Case Summary

Complaint Number OPA#2015-0086

Issued Date: 09/11/2015

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 8.100 (1) Using Force: When Authorized (Policy that was issued 01/01/14)
OPA Finding	<b>Sustained</b>
Allegation #2	<u>Seattle Police Department Manual</u> 14.090 (10.b) Demonstration Management: O.C. Will be Directed at the Specific Suspect(s) Who Are Posing a Threat (Policy that was issued 01/01/14)
OPA Finding	<b>Sustained</b>
Allegation #3	<u>Seattle Police Department Manual</u> 5.140 (2) Bias-Free Policing: Officers Will Not Engage in Biased-Based Policing (Policy that was issued 01/01/15)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Final Discipline	Oral Reprimand and Retraining on Policies 8.100(1) and 14.090(10b)

#### **INCIDENT SYNOPSIS**

The named employee was working during a demonstration.

## **COMPLAINT**

The complainant alleged that the named employee pepper-sprayed her adult son, who is black, while he was participating in a protest. She was speaking with her son on the phone when he was standing on a sidewalk next to his white friend when this occurred. The complainant alleged that her son was pepper-sprayed because he is black and the white friend was not pepper-sprayed.

## **INVESTIGATION**

The OPA investigation included the following actions:

1. Review of the complaint memo
2. Search for and review of all relevant records and other evidence
3. Interviews of SPD employees

## **ANALYSIS AND CONCLUSION**

The evidence showed that the named employee was escorting an unpermitted protest following a permitted march. The named employee was ordered to form a “mobile fence line” to prevent a group of individuals from entering the freeway. Several protesters had pushed past the mobile fence line and the named employee shouted “get back” several times. The named employee then used a generalized stream of OC spray in a sweeping motion towards people walking laterally to her, hitting at least two individuals and possibly others with the spray. An officer shall only use the force reasonable, necessary, and proportionate to effectively bring an incident or person under control, while protecting the lives of the officer or others. The individuals that were sprayed were not acting in a manner that suggested that they posed a specific threat based on posture, words or other actions. In addition, OC spray may only be directed at a specific suspect posing a threat, and that officers deploying OC spray will attempt to limit collateral exposure to non-involved parties. At the time of this incident, an officer went to the ground and was injured. The totality of circumstances was reviewed during the investigation.

## **FINDINGS**

### **Named Employee #1**

#### **Allegation #1**

The weight of the evidence showed that the named employee’s use of OC spray against the subject was not reasonable, necessary or proportional. Therefore a **Sustained** finding was issued for *Using Force: When Authorized*.

Allegation #2

The weight of the evidence showed that the named employee did not direct the OC spray at a specific individual posing a threat. Therefore a **Sustained** finding was issued for *Demonstration Management: O.C. Will be Directed at the Specific Suspect(s) Who Are Posing a Threat*.

Allegation #3

The evidence showed that there was no bias by the named employee and the subject was not specifically targeted because of his race. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Bias-Free Policing: Officers Will Not Engage in Biased-Based Policing*.

Discipline imposed: Oral Reprimand and Retraining on Policies 8.100(1) and 14.090(10b)

*NOTE: The Seattle Police Department Manual policies cited for the allegation(s) made for this OPA Investigation are policies that were in effect during the time of the incident. The issued date of the policy is listed.*