



## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Closed Case Summary

Complaint Number OPA#2015-0293

Issued Date: 08/24/2015

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 6.220 (1) Voluntary Contacts, Terry Stops & Detentions: Terry Stops are Seizures and Must Be Based on Reasonable Suspicion in Order to be Lawful (Policy that was issued 12/01/14)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 6.220 (1) Voluntary Contacts, Terry Stops & Detentions: Terry Stops are Seizures and Must Be Based on Reasonable Suspicion in Order to be Lawful (Policy that was issued 12/01/14)
OPA Finding	<b>Not Sustained</b> (Lawful and Proper)
Allegation #2	<u>Seattle Police Department Manual</u> 8.200 (3) Use of Force Tools: Officers Will Use OC Spray Only When Such Force is Objectively Reasonable (Policy that was issued 01/01/14)
OPA Finding	<b>Not Sustained</b> (Lawful and Proper)
Final Discipline	N/A

## **INCIDENT SYNOPSIS**

SPD employees were working during a demonstration.

## **COMPLAINT**

The complainant, who was not at the scene and had reviewed a private video of the incident, alleged that the named employees did not have probable cause to arrest a subject. It is further alleged that one of the named employees used unnecessary force during a pepper spray (OC) application to the subject.

## **INVESTIGATION**

The OPA investigation included the following actions:

1. Review of the complaint email
2. Interview of the complainant
3. Search for and review of all relevant records and other evidence
4. Review of Body-Worn and other Videos
5. Interviews of SPD employees

## **ANALYSIS AND CONCLUSION**

The focus of the investigation was the early moments of the confrontation at a demonstration where officers were tasked with implementing a mobile fence line. At that point, there were far more protestors than officers. The tone and the tenor of the protestors in contact with the police were confrontational. The evidence showed that some protestors were pushing officers, officers were pushing back and some broke through the police line. Officers started making arrests. Named employee #2 applied OC spray directly towards the subject as he was moving towards him and the named employee believed that the subject had just assaulted an officer. The application of OC was effective and the suspect was taken into custody for assault. Named employee #1 was not involved in the decision to arrest the suspect and had been called in after the arrest to help prepare the arrest paperwork.

## **FINDINGS**

### **Named Employee #1**

#### Allegation #1

The evidence showed that the named employee was not involved in the decision to arrest the suspect. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Voluntary Contacts, Terry Stops & Detentions: Terry Stops are Seizures and Must Be Based on Reasonable Suspicion in Order to be Lawful.*

## **Named Employee #2**

### Allegation #1

The weight of the evidence showed that the named employee had a law enforcement purpose for interacting with the suspect. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Voluntary Contacts, Terry Stops & Detentions: Terry Stops are Seizures and Must Be Based on Reasonable Suspicion in Order to be Lawful.*

### Allegation #2

The weight of the evidence showed that the named employee applied OC in a reasonable manner given the totality of circumstances. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Use of Force Tools: Officers Will Use OC Spray Only When Such Force is Objectively Reasonable.*

*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.*