



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-0302

Issued Date: 02/08/2017

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 5.140 (3) Bias-free Policing: The Characteristics of an Individual May Be Appropriately Considered in Limited Circumstances (Policy that was issued August 1, 2015)
OPA Finding	Not Sustained (Unfounded)
Allegation #2	<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 August 1, 2015)
OPA Finding	Not Sustained (Lawful and Proper)
Allegation #3	<u>Seattle Police Department Manual</u> 6.220 (10) Voluntary Contacts, Terry Stops & Detentions: Officers Must Document All Terry Stops (Policy that was issued August 1, 2015)
OPA Finding	Not Sustained (Lawful and Proper)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 5.140 (3) Bias-free Policing: The Characteristics of an Individual May Be Appropriately Considered in Limited Circumstances (Policy that was issued August 1, 2015)
OPA Finding	Not Sustained (Unfounded)
Allegation #2	<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 August 1, 2015)
OPA Finding	Not Sustained (Unfounded)
Allegation #3	<u>Seattle Police Department Manual</u> 6.220 (10) Voluntary Contacts, Terry Stops & Detentions: Officers Must Document All Terry Stops (Policy that was issued August 1, 2015)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employees were dispatched to a report of a possible burglary.

COMPLAINT

The complainant alleged that there was possible bias by the Named Employees for detaining a black individual when the description provided to 911 was white.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint
2. Review of In-Car Videos (ICV)
3. Search for and review of all relevant records and other evidence
4. Interviews of SPD employees

ANALYSIS AND CONCLUSION

The complainant alleged that Named Employee #1 and Named Employee #2 may have acted out of racial bias when they stopped and detained an African-American male subject as a possible burglary suspect who had been described as a white male. The OPA investigation

found that Named Employee #1 stopped and briefly detained an African-American male who matched the suspect description in the approximate age, clothing and the presence of a skateboard. The person stopped was a different race than that given for the suspect, but did match on the age, clothing and presence of a skateboard. Named Employee #1 told OPA that he recognized the difference in race, but believed the other matches along with relative closeness as to time and proximity provided him with reasonable suspicion as required to make an investigative detention (also known as a Terry Stop). Based on the preponderance of the evidence, the OPA Director agreed that Named Employee #1 had sufficient articulable facts to form a reasonable suspicion that the person he stopped was involved in criminal activity and that this, rather than any racial bias on the part of Named Employee #1 was the reason for the stop.

The OPA investigation found that Named Employee #1 did complete a Street Check form to document his brief investigatory detention of the subject.

The OPA investigation found that Named Employee #2 was not the officer who made the decision to stop the African-American male as a possible match to the burglary suspect. That decision was made by Named Employee #1. Named Employee #2 only acted as an assisting officer. Furthermore, the OPA investigation found no evidence that either Named Employee #1 or Named Employee #2 took any police action based on racial bias.

FINDINGS

Named Employee #1

Allegation #1

A preponderance of the evidence showed that Named Employee #1 had sufficient articulable facts to form a reasonable suspicion that the person he stopped was involved in criminal activity and that this, rather than any racial bias on the part of Named Employee #1 was the reason for the stop. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Bias-free Policing: The Characteristics of an Individual May Be Appropriately Considered in Limited Circumstances*.

Allegation #2

A preponderance of the evidence showed that Named Employee #1 had sufficient articulable facts to form a reasonable suspicion that the person he stopped was involved in criminal activity and that this, rather than any racial bias on the part of Named Employee #1 was the reason for the stop. 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 #3

A preponderance of the evidence showed that Named Employee #1 did complete a Street Check form to document his brief investigatory detention of the subject. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Voluntary Contacts, Terry Stops & Detentions: Officers Must Document All Terry Stops.*

Named Employee #2

Allegation #1

A preponderance of the evidence showed that Named Employee #2 was not the officer who made the decision to stop the African-American male as a possible match to the burglary suspect. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Bias-free Policing: The Characteristics of an Individual May Be Appropriately Considered in Limited Circumstances.*

Allegation #2

A preponderance of the evidence showed that Named Employee #2 was not the officer who made the decision to stop the African-American male as a possible match to the burglary 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.*

Allegation #2

A preponderance of the evidence showed that Named Employee #1 told Named Employee #2 he would complete the required Terry Template to document the stop and did, in fact, document the stop on a Street Check form. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Voluntary Contacts, Terry Stops & Detentions: Officers Must Document All Terry Stops.*

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.