



## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Closed Case Summary

Complaint Number OPA#2014-0091

Issued Date: 02/17/2015

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (VII) (A) (1) Standards & Duties – Exercise of Discretion (Policy that was issued 08/15/12)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Allegation #2	<u>Seattle Police Department Manual</u> 5.140 Bias-Free Policing (Policy that was issued prior to 1/1/15)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (VII) (A) (1) Standards & Duties – Exercise of Discretion (Policy that was issued 08/15/12)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Allegation #2	<u>Seattle Police Department Manual</u> 5.140 Bias-Free Policing (Policy that was issued prior to 1/1/15)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Final Discipline	N/A

<b>Named Employee #3</b>	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (VII) (A) (1) Standards & Duties – Exercise of Discretion (Policy that was issued 08/15/12)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Allegation #2	<u>Seattle Police Department Manual</u> 5.140 Bias-Free Policing (Policy that was issued prior to 1/1/15)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Final Discipline	N/A

<b>Named Employee #4</b>	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (VII) (A) (1) Standards & Duties – Exercise of Discretion (Policy that was issued 08/15/12)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Allegation #2	<u>Seattle Police Department Manual</u> 5.140 Bias-Free Policing (Policy that was issued prior to 1/1/15)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Final Discipline	N/A

<b>Named Employee #5</b>	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (VII) (A) (1) Standards & Duties – Exercise of Discretion (Policy that was issued 08/15/12)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Allegation #2	<u>Seattle Police Department Manual</u> 5.140 Bias-Free Policing (Policy that was issued prior to 1/1/15)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Final Discipline	N/A

## **INCIDENT SYNOPSIS**

The named employees responded to a 911 call regarding a physical altercation occurring at a homeless shelter. The named employees found one man, the witness, to be bleeding from facial injuries. Another man, the complainant, stated that the witness had stolen his wallet. When the witness denied stealing the wallet, the complainant punched him in the face several times. The Seattle Fire Department evaluated the witness and believed that he had lost consciousness from the assault. The named employees arrested the complainant for felony assault.

## **COMPLAINT**

The complainant alleged that his civil rights were violated and he was falsely arrested. He alleged that the named employees did not search the witness to determine if the witness had his wallet and that he was arrested because of his race.

## **INVESTIGATION**

The OPA investigation included the following actions:

1. Review of the complainant claim with the City
2. Interview of Witnesses
3. Interview of SPD employees

## **ANALYSIS AND CONCLUSION**

The named employees' use of discretion in arresting the complainant was in direct proportion to the severity of injuries sustained by the witness resulting from the complainant's actions. The complainant admitted that he struck the witness as a result of suspecting the witness had taken his wallet. While it is true that the parties involved in the physical altercation were of different races, the investigative decisions of the named employees were based on the observable evidence and injuries to the witness, not the race of the complainant.

## **FINDINGS**

### **Named Employee #1, #2, #3, #4 and #5**

#### **Allegation #1**

The weight of the evidence showed that the named employees used proper discretion in making the arrest, therefore a finding of **Not Sustained** (Unfounded) was issued for *Exercise of Discretion*.

Allegation #2

The evidence does not support the allegation of racial bias in the decision making of the named employees in arresting the complainant; therefore a finding of **Not Sustained** (Unfounded) was issued for *Bias-Free Policing*.

*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.*