



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2014-0501

Issued Date: 04/07/2015

| Named Employee #1 | |
|-------------------|---|
| Allegation #1 | <u>Seattle Police Department Manual</u> 5.001 (VII.A)(1) Exercise of Discretion (Policy that was issued 08/15/12) |
| OPA Finding | Not Sustained (Lawful & Proper) |
| Allegation #2 | <u>Seattle Police Department Manual</u> 15.180 (II.A) Primary Investigations – Misdemeanor Cases (Policy that was issued 3/26/10) |
| OPA Finding | Not Sustained (Lawful & Proper) |
| Final Discipline | N/A |

INCIDENT SYNOPSIS

The named employee responded to a report of theft at a business and based on the details provided by Loss Prevention, the subject was arrested for retail theft and trespassed from the business. The business is a participant in “The Retail Theft Program,” which allows a Loss Prevention officer/specialist working for a participating store to file misdemeanor trespass and theft cases without patrol involvement.

COMPLAINT

The complainant alleged that the named employee falsely arrested him and it could have been prevented if the named employee had properly investigated the situation by watching video, speaking with the manager or looking at his receipts.

INVESTIGATION

The OPA investigation included the following actions:

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

ANALYSIS AND CONCLUSION

The weight of the evidence showed that the named employee had probable cause to arrest the complainant. Witness statements and In-Car Video support that the named employee was professional during his contact with the complainant. If officers are called to a participating store in "The Retail Theft Program," they are to make independent determinations of probable cause before making an arrest. The named employee made this independent determination.

FINDINGS

Named Employee #1

Allegation #1

Probable cause existed for the named employee to arrest the complainant. Therefore a finding of **Not Sustained** (Lawful & Proper) was issued for *Exercise of Discretion*.

Allegation #2

In addition to having probable cause to arrest the complainant, the complainant refused to identify store employees who alleged to have given him permission to take store item(s). Therefore a finding of **Not Sustained** (Unfounded) was issued for *Primary Investigations – Misdemeanor Cases*.

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.