



## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Closed Case Summary

Complaint Number OPA#2015-0117

Issued Date: 10/19/2015

| Named Employee #1 |                                                                                                                                                                                                                                                                  |
|-------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Allegation #1     | <u>Seattle Police Department Manual</u> 6.220 (1) Voluntary Contact and Terry Stops: Terry Stops are Seizures and Must be Based on Reasonable Suspicion in Order to be Lawful (Policy that was issued 01/30/14)                                                  |
| OPA Finding       | <b>Sustained</b>                                                                                                                                                                                                                                                 |
| Chief's Finding   | <b>Not Sustained</b> (Inconclusive)                                                                                                                                                                                                                              |
| Allegation #2     | <u>Seattle Police Department Manual</u> 5.001 (VI.A) Standards and Duties: Professionalism – Exercise of Discretion (Policy that was issued 08/15/12)                                                                                                            |
| OPA Finding       | <b>Sustained</b>                                                                                                                                                                                                                                                 |
| Allegation #3     | <u>Seattle Police Department Manual</u> 8.000 (2) Use of Force Core Principles: When Time, Circumstances, and Safety Permit, Officers Will Take Steps to Gain Compliance and De-Escalate Conflict Without Using Physical Force (Policy that was issued 01/01/14) |
| OPA Finding       | <b>Sustained</b>                                                                                                                                                                                                                                                 |
| Allegation #4     | <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>                                                                                                                                                                                                                                                 |
| Chief's Finding   | <b>Not Sustained</b> (Inconclusive)                                                                                                                                                                                                                              |

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|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| Allegation #5    | <u>Seattle Police Department Manual</u> 5.140 (2) Bias-Free Policing – Employees Will Not Engage in Bias-Based Policing (Policy that was issued 01/30/14) |
| OPA Finding      | <b>Sustained</b>                                                                                                                                          |
| Final Discipline | Termination (under appeal as of 10/8/15)                                                                                                                  |

### **INCIDENT SYNOPSIS**

The named employee was on-duty driving a patrol car. Based on what the named employee reported she observed a subject with a golf club, she initiated a Terry stop and detained the subject. This stop ended with the named employee arresting the subject for obstruction.

### **COMPLAINT**

The complainant alleged that the named employee did not have justification for the arrest of the subject and further alleged that the arrest was based on race.

### **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. Review of news articles
5. Interviews of SPD employees

### **ANALYSIS AND CONCLUSION**

The evidence showed that the named employee took several actions that violated SPD policy. Sworn police officers are the most conspicuous representatives of government, and are legally granted significant authority to enforce the law and ensure public order and safety. Proper exercise of discretion obligates an officer to apply reason, professional experience and judgment in making decisions regarding enforcement of the law. Officers are to take steps to gain compliance and de-escalate conflict without using physical force whenever reasonable and safe to do so. Employees are not to make decisions or take actions that are influenced by bias, prejudice, or discriminatory intent. Law enforcement and investigative decisions must be based on observable behavior or specific intelligence. The named employee did not use reasoned balance or judgment throughout the entire incident, nor did she take any reasonable and appropriate steps to de-escalate her interaction with the subject. The named employee's actions during the encounter, along with other statements and circumstances, demonstrated that she engaged in biased policing.

## FINDINGS

### **Named Employee #1**

#### Allegation #1

The preponderance of the evidence could neither prove nor disprove that the named employee had reasonable suspicion to stop the subject. Therefore a finding of **Not Sustained** (Inconclusive) was issued for *Voluntary Contact and Terry Stops: Terry Stops are Seizures and Must be Based on Reasonable Suspicion in Order to be Lawful*.

#### Allegation #2

The preponderance of the evidence showed that the named employee displayed throughout the incident a distinct lack of reasoned balance and judgement. Therefore a **Sustained** finding was issued for *Standards and Duties: Professionalism – Exercise of Discretion*.

#### Allegation #3

The preponderance of the evidence showed that the named employee did not take reasonable steps as required by policy to de-escalate the interaction with the subject. Therefore a **Sustained** finding was issued for *Use of Force Core Principles: When Time, Circumstances, and Safety Permit, Officers Will Take Steps to Gain Compliance and De-Escalate Conflict Without Using Physical Force*.

#### Allegation #4

The preponderance of the evidence could neither prove nor disprove that the named employee used force that was necessary to affect a law enforcement purpose. Therefore a finding of **Not Sustained** (Inconclusive) was issued for *Using Force: When Authorized*.

#### Allegation #5

The weight of the evidence showed that the named employee took actions inconsistent with SPD policy regarding bias-free policing. Therefore a **Sustained** finding was issued for *Bias-Free Policing – Employees Will Not Engage in Bias-Based Policing*.

Discipline imposed: Termination (under appeal as of 10/8/15)

*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.*