



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2015-0933

Issued Date: 02/04/2016

| Named Employee #1 | |
|-------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Allegation #1 | <u>Seattle Police Department Manual</u> 5.140 (2) Bias Free Policing: Officers Will Not Engage in Bias-Based Policing. (Policy that was issued 01/01/2015) |
| OPA Finding | Not Sustained (Unfounded) |
| Final Discipline | N/A |

| Named Employee #2 | |
|-------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Allegation #1 | <u>Seattle Police Department Manual</u> 5.140 (2) Bias Free Policing: Officers Will Not Engage in Bias-Based Policing. (Policy that was issued 01/01/2015) |
| OPA Finding | Not Sustained (Unfounded) |
| Final Discipline | N/A |

INCIDENT SYNOPSIS

Named employee #1 was working patrol with his regularly assigned partner, a Washington State Department of Corrections officer, when he observed a vehicle leave a parking stall and then quickly re-parked in another parking stall. As named employee #1 drove past this vehicle, it quickly began to leave the parking lot and he noticed that the vehicle did not display a front license plate, that one headlight was out and that the vehicle high beams were on. Named

employee #1 followed the car out of the parking lot and initiated a traffic stop. When named employee #1 contacted the driver of the vehicle he noticed a strong odor of marijuana coming from the vehicle. Named employee #1 told the driver of the infractions he had pulled him over for. The passenger of the vehicle was smoking marijuana. Named employee #1 suspected the driver may have been driving under the influence of marijuana and called for a Drug Recognition Expert officer to respond. Named employee #2, who is not a Drug Recognition Expert but who has had specialized training regarding the processing of DUI's, was available and responded to the scene. An assessment of the driver was conducted by named employee #2 and he determined that there was probable cause to arrest the driver for being under the influence of drugs while driving a motor vehicle. The driver was arrested and booked into jail.

COMPLAINT

The complainant alleged that the named employees harassed and arrested him due to "profiling."

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 In-Car Videos (ICV)
5. Interview of SPD employees

ANALYSIS AND CONCLUSION

The OPA investigation carefully reviewed the documentation available and interviewed the named employees. Named employee #1 had stopped the vehicle in question because he had observed the violations that the vehicle did not properly display a license plate, had a headlight out and improperly displayed high beam lights. Named employee #2 conducted field sobriety tests of the driver. The driver was under the age of 21 at the time. For persons under 21 years of age, no amount of marijuana is permitted in their system while driving per the DUI statute. Named employee #2 sought a search warrant for a sample of the driver's blood. A judge found that there was probable cause for DUI and approved the warrant. Department policy requires that officers take action on DUI's that come to their attention. The investigation did not identify any evidence to support the allegation made in this case.

FINDINGS

Named Employee #1 and #2

Allegation #1

The investigation did not identify any evidence to support the allegation of bias policing against the named employees. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Officers Will Not Engage in Bias-Based 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.