



## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Closed Case Summary

Complaint Number OPA#2015-0974

Issued Date: 12/30/2015

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 8.100 (1) Using Force: When Authorized (Policy that was issued 01/01/2014)
OPA Finding	<b>Not Sustained</b> (Lawful and Proper)
Allegation #2	<u>Seattle Police Department Manual</u> 5.140 (2) Bias-Free Policing: Officers Will Not Engage in Bias-Based Policing (Policy that was issued 01/30/2014)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Final Discipline	N/A

#### **INCIDENT SYNOPSIS**

The complainant was sitting outside of a café and was smoking marijuana. A homeless man wanted her to share it with him and reportedly became aggressive when the complainant refused. The complainant felt threatened so she pepper sprayed the man. One of the bystanders who had been sprayed flagged down some bike officers who were on patrol in the area. Officers responded to the café. Officers saw the complainant reaching with her hand toward a bag and then toward a pocket when the named employee approached her. Concerned that the complainant was reaching for the pepper spray, the named employee grabbed her wrist to prevent her reaching either her bag or pocket.

## COMPLAINT

The complainant alleged that following an incident where she pepper sprayed someone who was threatening her, the named employee grabbed her without first identifying himself. The complainant further alleged that she was profiled by the named employee due to her race.

## INVESTIGATION

The OPA investigation included the following actions:

1. Interview of the complainant
2. Interview of witnesses
3. Search for and review of all relevant records and other evidence
4. Review of body worn cameras
5. Interview of an SPD employee

## ANALYSIS AND CONCLUSION

Most of the encounter was captured on the body-worn video system worn by the named employee and one other officer. Both officers were in standard SPD bicycle officer uniforms at the time. The named employee does not recall announcing himself as a police officer when he approached the complainant. He saw her reaching into her bag and was concerned that she was trying to access pepper spray and stated that he did not have time to give verbal commands prior to preventing her from getting what she was reaching for. There is no evidence of the complainant being in pain or being injured by the named employee's grabbing of her wrist. The evidence from this investigation indicates that officers were acting on objective facts or concerns about the pepper spraying incident without regard for race. The named employee denied making any law enforcement decisions based on the race of the complainant.

## FINDINGS

### **Named Employee #1**

#### Allegation #1

The weight of the evidence showed that the named employee used force in an appropriate manner. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Using Force: When Authorized*.

#### Allegation #2

There was not a preponderance of evidence to support that there was a policy violation by the named employee. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Bias-Free Policing: 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.*