



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-0192

Issued Date: 11/2/2016

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 8.200 (1) Using Force: Use of Force: When Authorized (Policy that was issued September 1, 2015)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 8.200 (1) Using Force: Use of Force: When Authorized (Policy that was issued September 1, 2015)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employees issued jaywalking infractions to two individuals.

COMPLAINT

The complainant reported that he and a friend were harassed by the Named Employees, who ticketed them for jaywalking and made "slandorous accusations" stating that the last jaywalkers they cited were crack dealers. The complainant reported that when he started to record the event, one of the Named Employees pushed him. The complainant complained that the tickets were not properly explained to them and were not legible.

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. Interviews of SPD employees

ANALYSIS AND CONCLUSION

The complainant alleged that Named Employee #1 and #2 stopped him for jaywalking, made slanderous remarks and used force when he tried to video the Named Employees. The complainant would not respond to requests for an interview by OPA. The Named Employees stated that the complainant and another individual crossed against the red. They were warned about the infraction. A few minutes later the same two individuals again started to cross against the red light, and Named Employee #2 yelled a warning for them to stop. The complainant continued with the traffic infraction so the Named Employees stopped them. While issuing them a ticket for jaywalking the complainant attempted to take a selfie with the Named Employees. As he backed up to get a better picture he ran into Named Employee #2. Named Employee #2 pushed against the complainant's back to move him away so he could complete the ticket. Named Employee #2 described the force as less than the threshold for reportable force. The Named Employee's supervisor was present on the scene and witnessed the push. The supervisor described the push as gentle not rising to the level of reportable force. Based on the preponderance of the evidence the OPA Director found that the Named Employees did not use reportable force.

FINDINGS

Named Employee #1

Allegation #1

The preponderance of the evidence showed that Named Employee #1 did not use reportable force. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Using Force: Use of Force: When Authorized*.

Named Employee #2

Allegation #1

The preponderance of the evidence showed that Named Employee #2 did not use reportable force. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Using Force: Use of Force: When Authorized*.

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.