



## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Closed Case Summary

Complaint Number OPA#2016-0787

Issued Date: 07/10/2017

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	<b>Not Sustained</b> (Lawful and Proper)
Allegation #2	<u>Seattle Police Department Manual</u> 9.020 (4) Uniform: All Outward Facing Uniform Items Include Proper Identifying Markings (Policy that was issued November 20, 2013)
OPA Finding	<b>Not Sustained</b> (Lawful and Proper)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 9.020 (4) Uniform: All Outward Facing Uniform Items Include Proper Identifying Markings (Policy that was issued November 20, 2013)
OPA Finding	<b>Not Sustained</b> (Lawful and Proper)
Final Discipline	N/A

<b>Named Employee #3</b>	
Allegation #1	<u>Seattle Police Department Manual</u> 9.020 (4) Uniform: All Outward Facing Uniform Items Include Proper Identifying Markings (Policy that was issued November 20, 2013)
OPA Finding	<b>Not Sustained</b> (Lawful and Proper)
Final Discipline	N/A

### **INCIDENT SYNOPSIS**

The Named Employees were working at a demonstration.

### **COMPLAINT**

The complainant alleged Named Employee #1's deployment of blast balls at a demonstration may have violated SPD policy. The complainant also alleged all three Named Employees possibly violated uniform policy by not having proper identification on their outermost layer.

### **INVESTIGATION**

The OPA investigation included the following actions:

1. Review of the complaint
2. Search for and review of all relevant records and other evidence
3. Interviews of SPD employees

### **ANALYSIS AND CONCLUSION**

Named Employee #1 reported that he deployed two blast balls during this incident in order to prevent a group of demonstrators from accessing the southbound lanes of Interstate 5 (I-5). The preponderance of the evidence from this OPA investigation supported the conclusion that it was reasonable for Named Employee #1 to conclude that a large number of demonstrators were likely to enter the southbound lanes of I-5 unless he was able to prevent them. The presence of pedestrians on an Interstate freeway creates an extremely hazardous situation for the pedestrians, motorists and the police who feel duty-bound to clear the pedestrians off the freeway and/or warn drivers who are travelling at freeway speed. Named Employee #1 was presented with an emergency situation that required him to take immediate and reasonable action. Given the deadly threat that would ensue should the demonstrators make it onto I-5, the OPA Director found Named Employee #1's decision to deploy two blast balls in this situation was reasonable, necessary and proportionate.

The preponderance of the evidence from this investigation showed that Named Employees #1, #2, and #3 were properly attired with identifying markings as required by policy. While it was possible that some of the gear the Named Employees were required to carry and/or their hands and arms may have at times obscured the named tag on their outer clothing, there was no evidence to support the allegation the Named Employees intentionally obscured their nametags.

## **FINDINGS**

### **Named Employee #1**

#### Allegation #1

The preponderance of the evidence showed that Named Employee #1's decision to deploy two blast balls in this situation was reasonable, necessary and proportionate. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Using Force: Use of Force: When Authorized*.

#### Allegation #2

A preponderance of the evidence showed that Named Employee #1 was properly attired with identifying markings as required by policy. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Uniform: All Outward Facing Uniform Items Include Proper Identifying Markings*.

### **Named Employees #2 and #3**

A preponderance of the evidence showed that the Named Employees were properly attired with identifying markings as required by policy. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Uniform: All Outward Facing Uniform Items Include Proper Identifying Markings*.

*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.*