



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2014-0298

Issued Date: 03/30/2015

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 8.100 Use of Force (Policy that was issued 01/01/14)
OPA Finding	Not Sustained (Lawful & Proper)
Allegation #2	<u>Seattle Police Department Manual</u> 6.220 (6) During Terry Stops: Courtesy & Identify Self (Policy that was issued 01/30/14)
OPA Finding	Not Sustained (Training Referral)
Allegation #3	<u>Seattle Police Department Manual</u> 6.220 (I) Terry Stops Must Be Based On Reasonable Suspicion (Policy that was issued 01/30/14)
OPA Finding	Not Sustained (Lawful & Proper)
Allegation #4	<u>Seattle Police Department Manual</u> 5.001 (13) Retaliation & Harassment (Policy that was issued 07/16/14)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

INCIDENT SYNOPSIS

SPD officers were investigating a theft complaint when the possible theft suspect, the complainant, was pointed out by the victim. The named employee detained the complainant, grasped her arm and led her over to the patrol vehicle. The complainant said that the named employee had hurt her arm due to a previous injury. The victim said that she did not wish to

pursue to the matter further. The named employee told the complainant that she was free to leave. The complainant asked for the named employee's name and he pointed to his badge and then asked for the complainant's name. The named employee told the complainant that she was not free to leave while he ran an identity check. The complainant was released from the scene after the identity check.

COMPLAINT

The complainant alleged that the named employee used excessive force during her detention for a theft investigation. After releasing the complainant, the named employee may not have identified himself when asked and may have detained the complainant a second time because she requested this information.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint memo
2. Interview of complainant
3. Search for and review of all relevant records and other evidence
4. Review of In-Car Videos
5. Interviews of SPD employees

ANALYSIS AND CONCLUSION

The complainant had been suspected of committing a crime and so the named employee had a reason to detain the complainant. While the complainant stated that the named employee's grasp of her arm caused pain due to a previous injury, it was reasonable that he held her arm as he escorted her to the patrol vehicle. Even though the victim stated that she did not want to go further with the theft investigation, it did not eliminate the validity of the Terry Stop and lawful detention of the complainant. The named employee told the complainant that she was free to go and then she asked for his name. Pointing to his name on his uniform was not the most courteous way to provide the information. The named employee admitted this and recognizes the need to do so on in a more professional manner. After the named employee told the complainant she was free to leave, the named employee realized he had not obtained her name and other information for the incident report and so detained her further to perform an identity check. The investigation was still on-going by the other officers and the identity check took less than two minutes and did not appear to be an intimidation or coercive action against the complainant.

FINDINGS

Named Employee #1

Allegation #1

The arm escort used by the named employee was reasonable; therefore a finding of **Not Sustained** (Lawful & Proper) was issued for *Use of Force*.

Allegation #2

The evidence showed that the named employee was not as courteous as he could be; therefore a finding of **Not Sustained** (Training Referral) was issued for *During Terry Stops: Courtesy & Identify Self*. A Training Referral will allow a supervisor to review the Terry Stops policy with the named employee to ensure that he understands departmental expectations.

Allegation #3

The weight of the evidence shows that the named employee had a valid reason to detain the complainant and that the further investigation by the other officers allowed the named employee to further detain the complainant, therefore a finding of **Not Sustained** (Lawful & Proper) was issued for *Terry Stops Must Be Based On Reasonable Suspicion*.

Allegation #4

The named employee extending the detention of the complainant to complete an identity check did not appear to be an intimidation or coercive action against the complainant; therefore a finding of Not Sustained (Unfounded) was issued for *Retaliation and Harassment*.

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.