



# OFFICE OF PROFESSIONAL ACCOUNTABILITY

## Closed Case Summary

Complaint Number OPA#2014-0548

Issued Date: 04/03/2015

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 5.140 (2) Bias Free Policing (Policy that was issued 01/30/14)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Allegation #2	<u>Seattle Police Department Manual</u> 16.090 POL-1 (4) In-Car Video – Record Enforcement Activity (Policy that was issued 11/21/12)
OPA Finding	<b>Not Sustained</b> (Lawful & Proper)
Allegation #3	<u>Seattle Police Department Manual</u> 6.220 POL-1 (8) Voluntary Contact & Terry Stops – Frisk (Policy that was issued 12/01/14)
OPA Finding	<b>Not Sustained</b> (Lawful & Proper)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 6.220 POL-1 (8) Voluntary Contact & Terry Stops – Frisk (Policy that was issued 12/01/14)
OPA Finding	<b>Not Sustained</b> (Lawful & Proper)
Final Discipline	N/A

## **INCIDENT SYNOPSIS**

Named employee #1 observed a vehicle driving and performed a routine run of the license plate to see if the vehicle had been stolen. The vehicle had been reported as stolen and the vehicle had pulled over to the side of the road before the named employee was able to activate his lights and In-Car Video. The complainants got out of the vehicle and started walking away. Named employee #1 told them that they were not free to leave the scene and had un-holstered his weapon with it pointed towards the ground. Named employee #2 arrived at the scene and named employee #1 started to check one of the complainants for weapons. The SPD Dispatcher informed the named employees that the stopped vehicle had been cleared from being listed as stolen. Named employee #1 immediately stopped his actions and told them they were free to leave.

## **COMPLAINT**

The complainants alleged that the named employees were engaged in bias policing when they were stopped in their vehicle without a lawful purpose and were let go without requesting their identification.

## **INVESTIGATION**

The OPA investigation included the following actions:

1. Review of the complaint memo
2. Interview of the complainants
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**

Evidence gathered showed that named employee #1 stopped the vehicle based on the information from checking on the license plate which indicated that the vehicle had been reported as stolen. The suspected stolen vehicle had tinted windows and the later audio of the In-Car Video supports that named employee #1 was not able to observe the race of the vehicle occupants until they stepped out of the vehicle. Due to the unexpected manner, timing and stopping of the complainant's vehicle, it appears that named employee #1 was not able to activate his emergency equipment or In-Car Video. Name employee #2 activated his In-Car Video upon arriving at the scene. The named employees believed that they were detaining possible suspects of a stolen vehicle and the search for weapons by named employee #1 was reasonable under the circumstances. Upon notification by the SPD Dispatcher that the vehicle had been cleared from being reported as stolen, the named employees told the complainants they were free to leave.

## **FINDINGS**

### **Named Employee #1**

#### Allegation #1

There is no indication or evidence to support that the complaints were stopped, detained or investigated by named employee #1 due to their race. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Bias Free Policing*.

#### Allegation #2

The evidence showed that named employee #1 was focused on controlling the scene and ensuring his safety as a result of the driving actions of the complainant. The policy states that SPD employee will activate the In-Car Video to record enforcement-related activity, unless doing so would jeopardize officer or public safety. Therefore a finding of **Not Sustained** (Lawful & Proper) was issued for *Record Enforcement Activity*.

#### Allegation #3

Terry Stops must be based on reasonable suspicion in order to be lawful and officers may conduct a search of stopped subjects if they reasonably suspect that they may be armed. The complainants were stopped due to be the occupants of a suspected stolen vehicle. The actions and manner in which the complainant's vehicle stopped and their attempt to leave the scene, heightened named employee #1's suspicions. Therefore a finding of **Not Sustained** (Lawful & Proper) was issued for *Voluntary Contacts & Terry Stops – Frisk*.

### **Named Employee #2**

#### Allegation #1

There was reasonable suspicion to have stopped the complainants based on the search of the license plate showing that the vehicle had been reported stolen. Named employee #2 did not search either complainant and was assisting named employee #1 as a back-up officer. Therefore a finding of **Not Sustained** (Lawful & Proper) was issued for *Voluntary Contacts & Terry Stops – Frisk*.

*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.*