



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2014-0600

Issued Date: 08/21/2015

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 6.220 (2)(a) Voluntary Contacts and <i>Terry Stops</i> : Voluntary Contact Defined (Policy that was issued 01/20/14)
OPA Finding	Not Sustained (Unfounded)
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 01/30/14)
OPA Finding	Not Sustained (Inconclusive)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 6.220 (2)(a) Voluntary Contacts and <i>Terry Stops</i> : Voluntary Contact Defined (Policy that was issued 01/20/14)
OPA Finding	Not Sustained (Training Referral)
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 01/30/14)
OPA Finding	Not Sustained (Inconclusive)
Final Discipline	N/A

INCIDENT SYNOPSIS

A Field Training Officer and a Student Officer were working patrol and noticed someone sitting in a car pulled over to the side. They made contact with the driver of the vehicle. They told the driver that he could return to his vehicle. The moved away from the car and had a conversation on the sidewalk.

COMPLAINT

The complainant alleged that he was subjected to racial profiling and harassment when he was seized by the named employees while he was sitting in his parked vehicle. He was directed to return to his vehicle by one of the employees and both stood outside of his vehicle without taking any law enforcement actions.

INVESTIGATION

The OPA investigation included the following actions:

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

ANALYSIS AND CONCLUSION

The evidence showed that named employee #1 was the field training officer for named employee #2. Named employee #1 had reason to contact the complainant as he was parked on the side of the road and could have needed assistance. Once the contact had been made, named employee #2 could have handled the situation in a different manner. Named employee #1 counseled named employee #2 after the contact had been made. The evidence could not prove or disprove the allegation of the complainant that the only reason they approached him was due to race.

FINDINGS

Named Employee #1

Allegation #1

The evidence showed that the named employee had a law enforcement purpose for stopping the complainant. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Voluntary Contacts and Terry Stops: Voluntary Contact Defined*.

Allegation #2

The evidence could not prove or disprove that the race of the complainant had anything to do with the reason that the named employee interacted with him. Therefore a finding of **Not Sustained** (Inconclusive) was issued for *Bias-Free Policing: Officers Will Not Engage in Bias-Based Policing*.

Named Employee #2

Allegation #1

The weight of the evidence showed that the named employee may have handled the stop in a better manner. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Voluntary Contacts and Terry Stops: Voluntary Contact Defined*. A Training Referral will allow a supervisor to review SPD Policy 6.220 Voluntary Contacts, *Terry Stops* and Detentions with Named Employee #2 and verify that he understands and can apply it in the field.

Allegation #2

The evidence could not prove or disprove that the race of the complainant had anything to do with the reason that the named employees interacted with him. Therefore a finding of **Not Sustained** (Inconclusive) 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.