



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-0077

Issued Date: 08/22/2016

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 5.140 (2) Bias-Free Policing: Officers Will Not Engage in Bias-Based Policing (Policy that was issued 01/30/2014)
OPA Finding	Not Sustained (Unfounded)
Allegation #2	<u>Seattle Police Department Manual</u> 6.220 (4) Voluntary Contacts and Terry Stops: During a Terry Stop, Officers Will Limit the Seizure to a Reasonable Scope (Policy that was issued 01/30/2014)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employee was called to the scene by another Seattle Police Department (SPD) officer who observed the complainant asleep behind the wheel of a car stopped in the lane of travel.

COMPLAINT

The complainant alleged that he was falsely arrested and charged with Driving Under the Influence (DUI), and made reference the arrest may have been due to his race.

INVESTIGATION

The OPA investigation included the following actions:

1. Interview of the complainant
2. Review of In-Car Video (ICV)
3. Search for and review of all relevant records and other evidence
4. Interview of SPD employees

ANALYSIS AND CONCLUSION

The Named Employee was called to the scene by another SPD officer who observed the complainant asleep behind the wheel of a car stopped in the lane of travel. The Named Employee was summoned to the scene to assist with the first officer's investigation of a possible DUI. When the Named Employee arrived at the scene, the complainant was already being detained by the first officer. After being briefed by the first officer on all the facts and circumstances, the Named Employee took over the DUI investigation and continued to detain the complainant for the purpose of completing his investigation. The Named Employee conducted a standard series of Field Sobriety Tests (FST) on the complainant and had him blow into a portable breath tester (PBT). The PBT registered no alcohol in the complainant's breath. Based on the FST, the Named Employee arrested the complainant for DUI-Drugs and transported him to the Precinct. After obtaining a search warrant from a judge for a blood draw, the Named Employee transported the complainant to the hospital where the blood draw took place. The complainant was then released from custody without being booked into jail. After reviewing the evidence from this investigation, particularly the relevant ICV recordings, the OPA Director found no evidence to support the allegation the Named Employee was motivated by racial bias in his decisions to detain, investigate, arrest, or seek a search warrant for the complainant's blood. Each law enforcement action taken by the Named Employee in this incident was well supported by articulable facts and observations known to the Named Employee at the time.

The Named Employee took over the investigation of a possible DUI from another SPD officer who was already detaining the complainant based on having observed the complainant asleep behind the wheel of a vehicle stopped with its engine running in a lane of traffic. The Named Employee continued his detention of the complainant while he ruled out any medical causes and administered a series of FST and a PBT. Based on all he had been told by the first officer and his own observations of the complainant, the Named Employee placed the complainant under arrest for DUI-Drugs. A judge found probable cause to issue a search warrant to obtain a sample of the complainant's blood. The preponderance of the evidence from this OPA investigation shows that the Named Employee had reasonable suspicion to detain the complainant for further investigation of DUI while administering the FST and PBT. The length of time it took the Named Employee to administer these tests was not unreasonable. The preponderance of the evidence in this investigation also shows that the Named Employee had probable cause to arrest the complainant for DUI-Drugs.

FINDINGS

Named Employee #1

Allegation #1

There was no evidence to support the allegation the Named Employee was motivated by racial bias in his decisions. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Bias-Free Policing: Officers Will Not Engage in Bias-Based Policing*.

Allegation #2

The preponderance of the evidence showed that the Named Employee had reasonable suspicion to detain the complainant for further investigation of DUI. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Voluntary Contacts and Terry Stops: During a Terry Stop, Officers Will Limit the Seizure to a Reasonable Scope*.

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.