



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-0315

Issued Date: 02/03/2017

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 8.200 (1) Use of Force: When Authorized (Policy that was issued September 1, 2015)
OPA Finding	Not Sustained (Lawful and Proper)
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 August 1, 2015)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

Named Employee #2	
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 August 1, 2015)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employees were conducting an area check and stopped the complainant as a possible suspect.

COMPLAINT

The complainant alleged that Named Employee #1 grabbed and injured his wrist, and that both Named Employees stopped him because he was black.

INVESTIGATION

The OPA investigation included the following actions:

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

ANALYSIS AND CONCLUSION

The complainant alleged that Named Employee #1 did not have the lawful authority to grab his arm and wrist and that this was an assault. The OPA investigation found that Named Employee #1 was assisting Named Employee #2 who was detaining the complainant as a possible suspect in a robbery that had occurred a short time before in the general area. Named Employee #2 directed the complainant to put out the lit cigarette he (the complainant) was holding in his hand and to put down the cell phone on which the complainant was talking. The complainant did not do as he was directed by Named Employee #2. Then both Named Employee #2 and Named Employee #1 repeated this direction. When the complainant still did not follow the directions, Named Employee #1 reached over and grabbed the complainant's bicep and then his wrist. This all could be seen on ICV. The complainant made no expression of pain, but he did verbally object to being grabbed by Named Employee #1. There was no indication on the video that Named Employee #1 twisted or squeezed hard or did anything else to cause injury or pain to the complainant. Once the complainant put the cigarette out on the ground, Named Employee #1 and Named Employee #2 led the complainant a few feet to in front of a police car and Named Employee #1 took the cell phone from the complainant's hand and set it down on the hood of the police car. This was the extent of the force used by Named Employee #1 on the complainant. Given the complainant's initial failure to follow the directions of the two officers and the nature of the crime being investigated, the OPA Director found the de minimis force used on the complainant by Named Employee #1 was reasonable, necessary and proportional.

The complainant alleged that Named Employee #1 stopped and detained him due to racial bias. The OPA investigation found that Named Employee #2 was the officer who first saw the complainant and made the decision to stop him as a person matching the description of the

robbery suspect. Named Employee #1 assisted Named Employee #2. There was no evidence of any bias on the part of Named Employee #1.

The complainant alleged that Named Employee #2 stopped and detained him due to racial bias. The OPA investigation showed that the suspect description given to police was of a black male, 30's, 5-06 to 5-08 in height, 180 pounds, wearing a black beanie, black coat and dark pants. Named Employee #2 was searching the area in her police car when, about 30 minutes after the robbery call came out, she spotted the complainant standing in the street. Based on the similarities between the suspect and clothing descriptions, the fact that the stop was made in the general area of where the suspect was last seen, and that only about 30 minutes had passed, Named Employee #2 concluded she had reasonable suspicion to believe the complainant may have been involved in criminal activity. She then conducted an investigative stop on the complainant and held him until the victim was brought nearby and told police the complainant was not the person who robbed her. Named Employee #2 then released the complainant. The OPA investigation found no evidence that bias on the part of Named Employee #1 played any role in her decision to stop and detain the complainant. The OPA Director found the reasons for the stop of the complainant as articulated by Named Employee #2 were sufficient to form reasonable suspicion and justified her stop of him.

FINDINGS

Named Employee #1

Allegation #1

A preponderance of the evidence showed that the de minimis force used on the complainant by Named Employee #1 was reasonable, necessary and proportional. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Use of Force: When Authorized*.

Allegation #2

A preponderance of the evidence showed that there was no evidence of any bias on the part of Named Employee #1. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Bias-Free Policing: Officers Will Not Engage in Bias-Based Policing*.

Named Employee #2

Allegation #1

A preponderance of the evidence showed that the reasons for the stop of the complainant as articulated by Named Employee #2 were sufficient to form reasonable suspicion and justified her stop of him. Therefore a finding of **Not Sustained** (Unfounded) 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.