



CLOSED CASE SUMMARY

ISSUED DATE: MARCH 25, 2020

CASE NUMBER: 2020OPA-0142

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	6.010 - Arrests 1. Officers Must Have Probable Cause That a Suspect Committed a Crime in Order to Effect an Arrest	Not Sustained (Lawful and Proper)
# 2	5.140 - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing	Not Sustained (Unfounded)
# 3	11.010 - Detainee Management 11. Officers Will Obtain a Supervisor's Authorization for Detentions Over Two Hours	Not Sustained (Lawful and Proper)

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

The Complainant alleged that he was improperly stopped and then arrested without a sufficient legal basis. The Complainant further alleged that his arrest was due to bias on the part of the Named Employee. Lastly, the Complainant asserted that he was inappropriately left in a holding cell at the West Precinct for almost five hours.

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the review and approval of the Office of Inspector General for Public Safety, believed that it could reach and issue recommended findings based solely on its intake investigation and without interviewing the Named Employee. As such, the Named Employees was not interviewed as part of this case.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

6.010 - Arrests 1. Officers Must Have Probable Cause That a Suspect Committed a Crime in Order to Effect an Arrest

West Precinct bicycle officers and the West Precinct Anti-Crime Team were conducting narcotics operations. As part of those operations, officers observed a male – who was later identified as the Complainant – engaging in what was believed to be hand-to-hand drug transactions. As a result, a plainclothes officer approached the Complainant and attempted to buy drugs from him. The Complainant sold the plainclothes officer crack cocaine. The plainclothes officers walked away and gave a sign that a drug sale had occurred. Officers who had been standing by, approached the Complainant and placed him under arrest.

When the Complainant was searched incident to arrest, money and other narcotics were found on his person. Included in this was the pre-marked “buy money” that the plainclothes officer used to pay for the crack cocaine.



In addition, the drugs that the Complainant sold to the plainclothes officer were field tested and confirmed to be crack cocaine. The Complainant was transported from the scene to the West Precinct and was ultimately booked into the King County Jail.

The Complainant later initiated this complaint with OPA. He asserted that he was stopped for no reason and was unlawfully arrested. While the Complainant acknowledged to OPA that he had crack cocaine and marijuana in his pocket at the time of his arrest, he stated that he never displayed the drugs “openly.” He said that, in the moments prior to his arrest, he was not involved in any drug transactions. This OPA investigation ensued.

SPD Policy 6.010-POL-1 requires that officers have probable cause to believe that a suspect committed a crime when effectuating an arrest. Stated differently, where an arrest is not supported by probable cause, it violates law and Department policy.

Based on a review of the totality of the evidence, OPA finds that there was abundant probable cause supporting the Complainant’s arrest. First, he was observed in engaging in behavior consistent with narcotics activity. Second, he did, in fact, sell crack cocaine to a plainclothes officer. Third, the buy money used to purchase the crack cocaine was located in the Complainant’s possession upon his arrest. As such, the Complainant’s arrest by NE#1 was legally justified and OPA recommends that this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained (Lawful and Proper)**

Named Employee #1 - Allegation #2

5.140 - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing

SPD policy prohibits biased policing, which it defines as “the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws as well other discernible personal characteristics of an individual.” (SPD Policy 5.140.) This includes different treatment based on the race of the subject. (*See id.*)

As discussed above, the Complainant’s arrest was based on probable cause to believe that he had engaged in narcotics activity. There is no evidence supporting the Complainant’s assertion that he was racially profiled or that NE#1 and the other officers engaged in biased policing in any respect. Accordingly, OPA recommends that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained (Unfounded)**

Named Employee #1 - Allegation #3

11.010 - Detainee Management 11. Officers Will Obtain a Supervisor’s Authorization for Detentions Over Two Hours

The Complainant alleged that he was improperly detained in the West Precinct holding cells for nearly five hours. As a general matter, arrestees may be detained in precinct holding cells prior to being booked into an appropriate facility. Pursuant to SPD Policy 11.010-POL-11, the upward time limit for such a detention is two hours. Any detention over two hours must be approved by a supervisor. (*See SPD Policy 11.010-POL-11.*)



OPA's investigation indicated that the Complainant was held at the West Precinct for approximately three hours, not five hours as he claimed. Moreover, the detainee log sheet maintained by the precinct indicated that the extra hour of detention was screened with and approved by a supervisor.

Given the above, OPA concludes that the Complainant's detention at the West Precinct was consistent with policy. Accordingly, OPA recommends that this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained (Lawful and Proper)**