



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2014-0160

Issued Date: 02/11/2015

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 – Standards and Duties Professionalism/Courtesy (Policy in effect prior to 07/16/14)
OPA Finding	<u>Not Sustained</u> (Inconclusive)
Allegation #2	<u>Seattle Police Department Manual</u> 6.220 Stops & Detentions 6.220 (Policy that was issued 1/30/14)
OPA Finding	<u>Not Sustained</u> (Lawful & Proper)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 – Standards and Duties Professionalism/Courtesy (Policy in effect prior to 07/16/14)
OPA Finding	<u>Not Sustained</u> (Lawful & Proper)
Allegation #2	<u>Seattle Police Department Manual</u> 6.220 Stops & Detentions 6.220 (Policy that was issued 1/30/14)
OPA Finding	<u>Not Sustained</u> (Lawful & Proper)
Final Discipline	N/A

INCIDENT SYNOPSIS

On July 5, 2013, uniformed SPD employees were working patrol in the Alki Beach area. A skateboarder, the subject, and a bicyclist rode past the SPD employees and threw what was believed to be a firecracker. One officer got into her patrol vehicle to catch up with the subject and detain him. The subject dropped a bag containing what was believed to be more firecrackers. The subject asserted that they were not firecrackers, but "Super Snappers" that popped upon impact with a surface. A discussion ensued about the legality of the "Super Snappers." Another SPD employee assisted and asked the subject for permission to search the subject's bag, permission was given. The "Super Snappers" were taken into custody and the subject was released and was informed that his mother would be contacted. Following this, named employee #1 contacted the subject's mother and had a conversation with her.

COMPLAINT

On May 28, 2014, the complainant stated that her son had been stopped for no lawful purpose, patted down and searched for fireworks. The complainant stated that named employee #1 did contact her to meet with her. The complainant alleged that named employee #1 was "in her face" continuously using the term "assaulted" when referencing her son throwing the fireworks. The complainant felt that named employee #1 was too aggressive, unprofessional and "trying to prove something".

INVESTIGATION

The OPA investigation included the following actions:

1. Conversation with the complainant
2. Review of the In-Car Video
3. Interviews of the named employees

ANALYSIS AND CONCLUSION

The subject admitted throwing the "Super Snappers" at named employee #1, as well as, down the street while riding his skateboard. The subject had the "Super Snappers" in his possession when he was detained by the named employees. The In-Car Video supports the conclusion that both named employees were professional and courteous to the subject throughout their contact with him. The named employees had reasonable suspicion to believe that a crime may have occurred (assault), which gave them the authority to detain the subject for a reasonable length of time.

FINDINGS

Named Employee #1

Allegation #1: There is insufficient evidence to either support or refute the complainant's allegation that named employee #1 was too aggressive, unprofessional, and "trying to prove something" in her interaction with the complainant. Therefore a finding of **Not Sustained** (Inconclusive) was issued for *Professionalism/Courtesy*.

Allegation #2: The weight of the evidence supported the conclusion that the named employees had the authority to temporarily detain the subject. As a result, the finding of **Not Sustained** (Lawful and Proper) was issued for *Stops & Detentions*.

Named Employee #2

Allegation #1: There was sufficient evidence to support a finding of **Not Sustained** (Lawful and Proper) for *Professionalism/Courtesy*.

Allegation #2: As with named employee #1 the weight of the evidence supported a finding of **Not Sustained** (Lawful and Proper) for *Stops & Detentions*.

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.