



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2015-0317

Issued Date: 09/24/2015

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 8.100 (1) Using Force: When Authorized (Policy that was issued 01/01/14)
OPA Finding	Not Sustained (Lawful and Proper)
Allegation #2	<u>Seattle Police Department Manual</u> 6.222 (1) Voluntary Contacts, <i>Terry</i> Stops & Detentions: <i>Terry</i> Stops are Seizures and Must Be Based on Reasonable Suspicion in Order to be Lawful (Policy that was issued 12/01/14)
OPA Finding	Not Sustained (Lawful and Proper)
Allegation #3	<u>Seattle Police Department Manual</u> 6.220 (10) Voluntary Contacts, <i>Terry</i> Stops & Detentions: Officers Must Document All <i>Terry</i> Stops (Policy that was issued 12/01/14)
OPA Finding	Not Sustained (Lawful and Proper)
Allegation #4	<u>Seattle Police Department Manual</u> 5.001 (6) Standards and Duties: Employees Engaged in Department-Related Activity Identify Themselves When Requested (Policy that was issued 07/16/14)
OPA Finding	Not Sustained (Lawful and Proper)
Allegation #5	<u>Seattle Police Department Manual</u> 6.220 (8) Frisk or Pat-Down of Stopped Subject(s) Only if They Reasonably Suspect That the Subject(s) May Be Armed and Presently Dangerous (Policy that was issued 12/01/14)
OPA Finding	Not Sustained (Lawful and Proper)

Allegation #6	Seattle Police Department Manual 5.001 (9) Standards and Duties: Employees Shall Strive to be Professional at all Times (Policy that was issued 07/16/14)
OPA Finding	Not Sustained (Lawful and Proper)
Final Discipline	N/A

INCIDENT SYNOPSIS

The named employee was working as a bike officer with his partner. While they were briefly separated, the named employee observed three subjects possibly smoking marijuana in public. One subject was verbally aggressive and uncooperative and the named employee pushed him back to create a safe distance. The named employee called for his partner to respond. The complainant, a passer-by, saw the named employee interacting with the subjects.

COMPLAINT

The complainant alleged that the named employee stopped the subjects without any reason, shoved one of them and was rude and aggressive. She further alleged that the named employee was verbally aggressive toward her when she attempted to photograph the incident.

INVESTIGATION

The OPA investigation included the following actions:

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

ANALYSIS AND CONCLUSION

The evidence showed that the named employee had stopped the subjects for the possible civil infraction of using marijuana in public. One of the subjects was belligerent and stepped right in front of the named employee. The named employee put his hand the subject's chest to push him back an arm's length away and ordered the subject to stand there until his back-up arrived. An officer shall use only the force reasonable, necessary, and proportionate to effectively bring an incident or person under control, while protecting the lives of the officer or others. The complainant approached the named employee and his back-up officer to ask for their names and badges. They answered with their last names and badge numbers. The named employee immediately asked the complainant to step away as he needed to give his full attention to the still belligerent subject. The named officer told the complainant that she had a right to film an officer but that she need to back away from the ongoing incident. Once the incident was concluded, the named employee attempted to explain his actions to the complainant.

FINDINGS

Named Employee #1

Allegation #1

The weight of the evidence showed that the named employee used force that was proportionate and reasonable. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Using Force: When Authorized*.

Allegation #2

The weight of the evidence showed that the named employee had reasonable suspicion to stop the subjects. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Voluntary Contacts, Terry Stops & Detentions: Terry Stops are Seizures and Must Be Based on Reasonable Suspicion in Order to be Lawful*.

Allegation #3

The weight of the evidence showed that the named employee documented the Terry stop. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Voluntary Contacts, Terry Stops & Detentions: Officers Must Document All Terry Stops*.

Allegation #4

The weight of the evidence showed that the named employee provided his name and serial number when asked for it by the complainant. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Standards and Duties: Employees Engaged in Department-Related Activity Identify Themselves When Requested*.

Allegation #5

The weight of the evidence showed that the named employee did not frisk the subject. The back-up officer did a pat-down of one subject who had a rolled-up jacket that could have contained a weapon and informed the subject what he was looking for when he conducted the pat-down. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Frisk or Pat-Down of Stopped Subject(s) Only if They Reasonably Suspect That the Subject(s) May Be Armed and Presently Dangerous*.

Allegation #6

The weight of the evidence showed that the named employee reasonably asked the complainant to step back from the incident as it was on-going and later attempted to explain the reason for the stop to the complainant once it had concluded. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Standards and Duties: Employees Shall Strive to be Professional at all Times*.

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.