



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2015-0542

Issued Date: 11/02/2015

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 6.180 - Searches-General: Must be pursuant to a warrant or legal exception to the warrant requirement (Policy that was issued 01/01/15)
OPA Finding	Not Sustained (Lawful and Proper)
Allegation #2	<u>Seattle Police Department Manual</u> 8.100 (1) Using Force: When Authorized (Policy that was issued 01/01/14)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 6.180 - Searches-General: Must be pursuant to a warrant or legal exception to the warrant requirement (Policy that was issued 01/01/15)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

INCIDENT SYNOPSIS

The named employees were investigating a reported robbery at an off-leash dog park. The named employees visited the alleged robbery suspect, the complainant, at her apartment. The conversation became argumentative and named employee #1 took the complainant into custody. The complainant's brother was present and became upset when his sister was arrested. The named employees escorted the complainant to the elevator. The complainant's brother blocked the elevator door from closing with his foot. The named employees warned him that he could be arrested for obstructing. The complainant's brother placed his foot in the elevator doorway again and he was arrested for obstruction.

COMPLAINT

The complainant alleged that the named employees entered her apartment without a warrant and used excessive force when taking her and her brother into custody.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint memo
2. Interview of the complainant
3. Search for and review of all relevant records and other evidence
4. Review of other videos
5. Interviews of SPD employees

ANALYSIS AND CONCLUSION

The evidence showed that the named employees had developed probable cause. Regardless of whether named employee #1 first seized the complainant as she was standing in the hallway just outside of her door or after she began to retreat further into her apartment in order to escape arrest, named employee #1 had probable cause to arrest her for Robbery. His seizure of the complainant complied with policy, either because it took place in the hallway, a common area, or because the complainant was attempting to escape arrest by retreating into her apartment.

Given the statements of the two named employees and the complainant, combined with the dimensions of the hallway and the close proximity of the elevator to the complainant's apartment door, it is unlikely that the complainant was "thrown" against the wall in the hallway between her apartment and the elevator.

The complainant made no allegation that named employee #2 entered her apartment unlawfully. Her allegation on this point was solely against named employee #1. In addition, there is no evidence to suggest that named employee #2 entered the apartment, other than possibly to control the complainant's brother who was threatening to interfere in the arrest of the complainant.

FINDINGS

Named Employee #1

Allegation #1

The weight of the evidence showed that the named employee had probable cause to arrest the complainant. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Searches-General: Must be pursuant to a warrant or legal exception to the warrant requirement.*

Allegation #2

The weight of the evidence showed that the named employee used force that was reasonable and proportionate when he took the complainant into custody. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Using Force: When Authorized.*

Named Employee #2

Allegation #1

The weight of the evidence showed that the named employee did not enter the complainant's apartment. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Searches-General: Must be pursuant to a warrant or legal exception to the warrant requirement.*

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.