



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-0127

Issued Date: 01/19/2017

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 6.220 (1) Voluntary Contacts, Terry Stops and Detentions: Terry Stops Are Seizures and Must Be Based on Reasonable Suspicion in Order to be Lawful (Policy that was issued August 1, 2015)
OPA Finding	Not Sustained (Lawful and Proper)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 6.220 (3) Voluntary Contacts, Terry Stops and Detentions: During a Terry Stop, Officers Will Limit the Seizure to a Reasonable Scope (Policy that was issued August 1, 2015)
OPA Finding	Not Sustained (Lawful and Proper)
Allegation #2	<u>Seattle Police Department Manual</u> 8.200(1) Using Force: Use of Force: When Authorized (Policy that was issued September 1, 2015)
OPA Finding	Not Sustained (Lawful and Proper)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employees conducted a Terry Stop and detained the complainant and his passengers.

COMPLAINT

The complainant alleged the first Named Employee didn't have enough information about him or his car to legally stop and detain him. The complainant also alleged that after being removed from his car, the second Named Employee "twisted" his wrist "hard" while trying to handcuff him and unnecessarily aggravated the preexisting injury.

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

Named Employee #1 and #2 were two of several officers who responded to a report of a robbery involving a firearm. The reported victim reported to 911 that the suspect was still in the area and gave a description, both of the person and of a vehicle. Named Employee #1 located, approximately 3/10 of a mile from the location of the reported robbery, a vehicle matching the reported color and vehicle type of the suspect vehicle. The victim had also reported there were three persons in the suspect vehicle and Named Employee #1 saw the matching car stopped at the curb with several subjects in or around the car. Named Employee #1 watched as the matching vehicle drove away from where it was parked and, once assist officers had joined him, initiated a traffic stop on the vehicle. The driver and the three passengers were detained until the robbery victim could be driven by to see if the driver was the person who had robbed him. The victim reported that the stopped driver (the complainant) was not the person who robbed him. After explaining to the complainant and the passengers what had happened, Named Employee #1 released them from detention and they were free to go. Based on the preponderance of the evidence from this OPA investigation, the OPA Director found there were sufficient articulable facts known to Named Employee #1 and #2 to form reasonable suspicion the complainant and/or others in the stopped vehicle may have been involved in the robbery and to authorize Named Employee #2 to detain them while Named Employee #1 conducted further investigation. Furthermore, although Named Employee #2 did not complete the intended handcuffing of the complainant due to the complainant's expression of pain and disclosure of a pre-existing injury to his wrist, given the report of a gun having been used in the commission of the robbery, handcuffing the complainant was reasonable and consistent with SPD training and tactics for such high risk stops.

The complainant alleged Named Employee #2 injured the complainant's right wrist when Named Employee #2 took hold of the wrist and began to twist it in preparation for handcuffing the complainant. The complainant also indicated at the time and later to OPA that his wrist was already injured at the time Named Employee #2 made contact with the complainant. The ICV of this very brief physical contact between Named Employee #2 and the complainant clearly showed that Named Employee #2 immediately released his grasp of the complainant's right hand/wrist when the complainant visibly flinched and said, "ow." Named Employee #2 also modified his plan to handcuff the complainant and allowed him to place his hands on top of his head instead. This use of de minimis force by Named Employee #2 was consistent with standard SPD training and procedures when conducting a high risk traffic stop and handcuffing of a detainee. Due to the report of a gun involved in the commission of a robbery, SPD officers are trained to handcuff and frisk all suspects for whom there is lawful authority for an investigatory detention. This is for the safety of officers, detainees and the general public.

FINDINGS

Named Employee #1

Allegation #1

A preponderance of the evidence showed that there were sufficient articulable facts known to Named Employee #1 to form reasonable suspicion and to authorize a detainment. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Voluntary Contacts, Terry Stops and Detentions: Terry Stops Are Seizures and Must Be Based on Reasonable Suspicion in Order to be Lawful*.

Named Employee #2

Allegation #1

A preponderance of the evidence showed that there were sufficient articulable facts known to Named Employee #2 to form reasonable suspicion and to authorize a detainment. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Voluntary Contacts, Terry Stops and Detentions: During a Terry Stop, Officers Will Limit the Seizure to a Reasonable Scope*.

Allegation #2

A preponderance of the evidence showed that Named Employee #2's use of de minimis force was consistent with standard SPD training and procedures when conducting a high risk traffic stop and handcuffing of a detainee. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Using Force: Use of Force: When Authorized*.

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.