



CLOSED CASE SUMMARY

ISSUED DATE: OCTOBER 17, 2018

CASE NUMBER: 2018OPA-0349

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)

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 SPD arrested peaceful demonstrators without probable cause.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

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

The Complainant alleged that SPD officers arrested individuals who were peacefully protesting. She stated that, at the time of their arrest, the arrestees were praying outside of the new King County Youth Jail. She contended that this was “obviously against constitutional rights to arrest people who are protesting and simply praying.” She stated that she was “demanding [the arrestees’] immediate release and that this be taken off their record.”

This incident was fully captured by Department Body Worn Video. Officers responded to the construction site for the new King County Youth Detention Center. A number of individuals were demonstrating the jail and had blocked the vehicle entrance to the construction site. Among these individuals were several religious figures who were leading the group in prayer. Three other individuals had entered the fenced-off construction site without permission of the property owners. They were standing in a circle with their arms connected in an apparatus referred to as the “sleeping dragon.” The officers were informed that these three individuals were refusing to leave the construction site after being asked to do so.

Upon arriving at the scene, a Sergeant spoke to one of the spokespeople for the protestors. The Sergeant stated that the protestors could remain in the area to demonstrate against the jail but asked that the entrance to the site not be blocked. After speaking with the other demonstrators, the spokesperson returned to the Sergeant and told her that the protestors’ intent was the stop construction on the jail. The Sergeant accordingly called for additional resources, including a Lieutenant and Captain, who is Named Employee #1 (NE#1).



Eventually, a dispersal order was issued by the Lieutenant via a megaphone in a marked patrol car. The dispersal order was loud and, based on OPA's review of the video, was clearly heard by all at the scene. The order instructed those blocking the entrance to the construction site to move out of the way or be subject to arrest. Most of the individuals moved away from the entrance, but others did not and continued to obstruct that area. Those individuals were placed under arrest. Prior to each individual being arrested, the individual was asked whether they heard the dispersal order and was given the opportunity to leave the scene instead of being arrested. Those individuals chose to be arrested, presumably as an act of civil disobedience.

NE#1 then walked into the construction site and spoke to the three individuals using the sleeping dragon. He informed them that they were trespassing and told them if they did not leave they would be arrested. Even though they were given the opportunity to leave, they did not do so and were placed under arrest.

While NE#1 did not actually physically place anyone under arrest, he gave the order to effectuate all of the arrests. As such, he was named in this case instead of the actual arresting officers.

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 OPA's review of the record, including the Department video, there was abundant probable cause supporting all of the arrests during this incident. All of the arrestees were blocking the construction site for the stated purpose of preventing construction, were given a dispersal order, did not comply with that dispersal order, were given a last chance to comply prior to being arrested, and did not take advantage of that offer either. Moreover, the three individuals using the sleeping dragon additionally committed criminal trespass for being within a restricted construction area without permission and without leaving when lawfully instructed to do so.

There is no basis for the Complainant's contention that the arrests in this case were unconstitutional and unlawful. Indeed, I find the opposite. While I admire the arrestees' commitment to their ideals and social justice, acts of civil disobedience and their decision to knowingly violate the law come with consequences, such as the arrests that occurred here. For these reasons, I recommend that this allegation be Not Sustained – Lawful and Proper.

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