



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2014-0242

Issued Date: 03/09/2015

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 6.220 Voluntary Contacts and Terry Stops (Policy that was issued 01/30/14)
OPA Finding	Not Sustained (Lawful & Proper)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 8.400 Reviewing Use of Force (Policy that was issued 1/1/14)
OPA Finding	Not Sustained (Lawful & Proper)
Final Discipline	N/A

Named Employee #3	
Allegation #1	<u>Seattle Police Department Manual</u> 8.400 Reviewing Use of Force (Policy that was issued 1/1/14)
OPA Finding	Not Sustained (Lawful & Proper)
Final Discipline	N/A

Named Employee #4	
Allegation #1	<u>Seattle Police Department Manual</u> 8.400 Reviewing Use of Force (Policy that was issued 1/1/14)
OPA Finding	Not Sustained (Lawful & Proper)
Final Discipline	N/A

INCIDENT SYNOPSIS

Named employee #1 responded to a 911 call to investigate a group of subjects blocking a business alcove suspected of narcotics activity. There was a valid Trespass Agreement in place at the business. As named employee #1 approached the business property, he observed a subject appearing to interact with the group in the alcove. He directed the subject to remain at the scene while he contacted the other suspects. The subject started walking away from the scene. Named employee #1 pulled the subject to the ground and placed him under arrest. Named employees #2, #3 and #4 are the supervisors for named employee #1 and reviewed his Use of Force packet.

COMPLAINT

The complainant, a supervisor within the department, alleged that named employee #1 did not have legal justification to detain the subject. The complaint further alleged that the other named employees did not recognize this possible lack of legal justification in their review of the Use of Force packet.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint memo
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 gathered showed that named employee #1 was aware of the valid Trespass Agreement at the place of business. The 911 call of suspected criminal activity was initiated by an employee of the business. Named employee #1 believed that the subject was about to commit, or had just committed the crime of Criminal Trespass when he gave the order to the subject to remain at the scene. When the subject attempted to leave the scene, named employee #1 used force to restrain the subject and documented it in a use of force packet. The stop of the subject was based on reasonable suspicion and elevated to probable cause when the subject did not comply with the lawful orders to stay by named employee #1.

FINDINGS

Named Employee #1

The weight of the evidence showed that named employee #1 made a lawful Terry stop of the subject based on the subject's interactions with those trespassing in the alcove of the business, therefore a finding of **Not Sustained** (Lawful & Proper) was issued for *Voluntary Contacts and Terry Stops*.

Named Employee #2, #3 and #4

The weight of the evidence showed that the review of the use of force packet by named employees #2, #3 and #4 was correct as named employee #1 made a lawful Terry stop; therefore a finding of **Not Sustained** (Lawful & Proper) was issued for *Reviewing Use of Force*.

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.