



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-0328

Issued Date: 10/04/2016

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 15.180 (1) Primary Investigations: Officers Shall Conduct a Thorough and Complete Search for Evidence (Policy that was issued 04/01/15)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A
Allegation #2	<u>Seattle Police Department Manual</u> 6.010 (1) Arrests: Officers Must Have Probable Cause That a Suspect Committed a Crime in Order to Effect an Arrest (Policy that was issued 02/01/2016)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A
Allegation #3	<u>Seattle Police Department Manual</u> 5.140 (2) Bias-Free Policing: Officers Will Not Engage in Bias-Based Policing (Policy that was issued 08/01/2015)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 15.180 (1) Primary Investigations: Officers Shall Conduct a Thorough and Complete Search for Evidence (Policy that was issued 04/01/2015)

OPA Finding	Not Sustained (Lawful and Proper)
Final Discipline	N/A
Allegation #2	<u>Seattle Police Department Manual</u> 6.010 (1) Arrests: Officers Must Have Probable Cause That a Suspect Committed a Crime in Order to Effect an Arrest (Policy that was issued 02/01/2016)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A
Allegation #3	<u>Seattle Police Department Manual</u> 5.140 (2) Bias-Free Policing: Officers Will Not Engage in Bias-Based Policing (Policy that was issued 08/01/2015)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

Named Employee #3	
Allegation #1	<u>Seattle Police Department Manual</u> 15.180 (1) Primary Investigations: Officers Shall Conduct a Thorough and Complete Search for Evidence (Policy that was issued 04/01/15)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A
Allegation #2	<u>Seattle Police Department Manual</u> 6.010 (1) Arrests: Officers Must Have Probable Cause That a Suspect Committed a Crime in Order to Effect an Arrest (Policy that was issued 02/01/2016)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A
Allegation #3	<u>Seattle Police Department Manual</u> 5.140 (2) Bias-Free Policing: Officers Will Not Engage in Bias-Based Policing (Policy that was issued 08/01/2015)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

Named Employee #4	
Allegation #1	<u>Seattle Police Department Manual</u> 15.180 (1) Primary Investigations: Officers Shall Conduct a Thorough and Complete Search for Evidence (Policy that was issued 04/01/15)
OPA Finding	Not Sustained (Lawful and Proper)
Final Discipline	N/A
Allegation #2	<u>Seattle Police Department Manual</u> 6.010 (1) Arrests: Officers Must Have Probable Cause That a Suspect Committed a Crime in Order to Effect an Arrest (Policy that was issued 02/01/2016)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A
Allegation #3	<u>Seattle Police Department Manual</u> 5.140 (2) Bias-Free Policing: Officers Will Not Engage in Bias-Based Policing (Policy that was issued 08/01/2015)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employees used a team tactic to secure the complainant and take him to a hospital for involuntary commitment.

COMPLAINT

The complainant called and alleged the Named Employees falsely arrested him, wouldn't listen to him, didn't properly investigate the crime and assumed he was guilty and they made "no effort" to get the accurate information.

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 complainant alleged Named Employees failed to verify that the security video recording at the location of the reported crime was consistent with what the security officers and the victim had reported to the officers. The preponderance of the evidence from this investigation shows that Named Employee #1 and Named Employee #3 had no role in the investigation of this reported crime and were not assigned any responsibility to search for or collect evidence. Named Employee #2 spent up to 45 minutes reviewing security video at the location of the incident in an effort to determine whether or not it confirmed the victim's claim the complainant had committed a crime. Named Employee #2 was unable to find video that either confirmed or refuted the victim's statement. In such cases, after due diligence at the scene and being unable to find the incident on security video, the task of conducting a more thorough and detailed review of the video would be handed over to detectives in a follow-up unit. Named Employee #2 took reasonable and appropriate steps to search for relevant evidence on the video recording. By asking Named Employee #2 to conduct a search of the security video, Named Employee #4 acted appropriately as the primary officer responsible for this investigation. It should also be noted that, notified the same day that a different person had been arrested at the same location for committing the same criminal act in front of a different victim and that security had located video of the earlier incident that eliminated the complainant as a suspect, Named Employee #4 immediately took steps to rectify the situation and ensure the complainant was cleared of any charges.

The complainant alleged the Named Employees lacked sufficient evidence to lawfully arrest him. The preponderance of the evidence from this investigation shows Named Employee #1 and Named Employee #3 had no role in the decision to arrest the complainant. Named Employee #2 communicated with Named Employee #4 regarding the inconclusive findings of the search of the security video, but it was Named Employee #4 who made the decision to arrest the complainant. The evidence Named Employee #4 had available to him at the time and following an adequate primary investigation and search for evidence was sufficient to form probable cause to believe the complainant had committed the reported crime. This evidence included statements the victim made to staff at the location immediately following the incident, statements made by the victim to Named Employee #4 during his interview of her and the general match between the victim's description of the perpetrator and the complainant.

The complainant alleged he was arrested as a result of racial bias on the part of the officers involved in his arrest. The preponderance of the evidence from this investigation found no evidence to support the allegation that the race of the complainant, the victim, the security guards or the officers played a role in the decision to detain and arrest the complainant. The victim personally pointed out the complainant to a security guard and said the complainant was the one who committed the crime. The victim made the same statement to Named Employee #4. In addition, the preponderance of the evidence shows Named Employee #1 had no role in the decision to arrest the complainant.

FINDINGS

Named Employee #1

Allegation #1

The evidence showed that Named Employee #1 had no role in the investigation of this reported crime and was not assigned any responsibility to search for or collect evidence. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Primary Investigations: Officers Shall Conduct a Thorough and Complete Search for Evidence*.

Allegation #2

The evidence showed that Named Employee #1 had no role in the decision to arrest the complainant. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Arrests: Officers Must Have Probable Cause That a Suspect Committed a Crime in Order to Effect an Arrest*.

Allegation #3

The evidence showed that Named Employee #1 did not make the decision to arrest the complainant. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Bias-Free Policing: Officers Will Not Engage in Bias-Based Policing*.

Named Employee #2

Allegation #1

The weight of the evidence showed that Named Employee #2 took reasonable and appropriate steps to search for relevant evidence on the video recording. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Primary Investigations: Officers Shall Conduct a Thorough and Complete Search for Evidence*.

Allegation #2

The evidence showed that Named Employee #2 did not make the arrest decision. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Arrests: Officers Must Have Probable Cause That a Suspect Committed a Crime in Order to Effect an Arrest*.

Allegation #3

The evidence showed that Named Employee #2 did not make the decision to arrest the complainant. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Bias-Free Policing: Officers Will Not Engage in Bias-Based Policing*.

Named Employee #3

Allegation #1

The evidence showed that Named Employee #3 had no role in the investigation of this reported crime and was not assigned any responsibility to search for or collect evidence. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Primary Investigations: Officers Shall Conduct a Thorough and Complete Search for Evidence*.

Allegation #2

The evidence showed that Named Employee #3 had no role in the decision to arrest the complainant. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Arrests: Officers Must Have Probable Cause That a Suspect Committed a Crime in Order to Effect an Arrest*.

Allegation #3

The evidence showed that Named Employee #3 did not make the decision to arrest the complainant. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Bias-Free Policing: Officers Will Not Engage in Bias-Based Policing*.

Named Employee #4

Allegation #1

The weight of the evidence showed that Named Employee #4 acted appropriately as the primary officer responsible for this investigation. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Primary Investigations: Officers Shall Conduct a Thorough and Complete Search for Evidence*.

Allegation #2

The evidence showed that the evidence Named Employee #4 had available to him at the time and following an adequate primary investigation and search for evidence was sufficient to form probable cause to believe the complainant had committed the reported crime. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Arrests: Officers Must Have Probable Cause That a Suspect Committed a Crime in Order to Effect an Arrest*.

Allegation #3

The evidence did not support the allegation that the race of the complainant, the victim, the security guards or the officers played a role in the decision to detain and arrest the complainant. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Bias-Free Policing: Officers Will Not Engage in Bias-Based Policing*.

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.