



OFFICE OF POLICE ACCOUNTABILITY

Closed Case Summary

Complaint Number 2017OPA-0548

Issued Date: 11/16/2017

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (5) Standards and Duties: Employees May Use Discretion (Policy that was issued April 1, 2015)
OPA Finding	Not Sustained (Unfounded)
Allegation #2	<u>Seattle Police Department Manual</u> 5.001 (9) Standards and Duties: Employees Shall Strive to be Professional at all Times (Policy that was issued April 1, 2015)
OPA Finding	Not Sustained (Unfounded)
Allegation #3	<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 April 1, 2015)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

INCIDENT SYNOPSIS

The complainant attended May Day protests.

COMPLAINT

The complainant alleged that unnamed Department employees did not intervene when she was being attacked by May Day protestors, and then subsequently treated her like a criminal.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint
2. Search for and review of all relevant records and other evidence

ANALYSIS AND CONCLUSION

The complainant alleged that during May Day 2017, she was “attacked by Trump supporters.” The complainant indicated that even though police officers were “everywhere,” they did not intervene until the assault had concluded. Even when they did intervene, the officers treated the complainant “like a criminal” while she “stood there sobbing.” The officers yelled at her to “move back.” When she attempted to tell the officers that she had been attacked, the officers were indifferent. In conclusion, the complainant explained: “I have never felt so betrayed by the people in uniform who are supposed to protect me.”

OPA called and emailed the complainant a number of occasions. However, the complainant ultimately did not respond to OPA’s request for an interview.

From a review of video, the complainant was among a crowd of demonstrators. Within that crowd, there appeared to be two separate factions. The complainant was involved in a physical altercation with demonstrators in the opposing faction and, at one point, the complainant fell or was pushed to the ground. It was unclear from the OPA Director’s review what or who caused her to fall. The complainant got up off of the crowd and began yelling at a member of the opposing group. SPD officers then moved towards the complainant and the individuals in her vicinity and the officers told them to back up. The complainant continued to argue with the opposing group until officers in a bike line approached from behind her. The officers told the complainant and the people near her to move back. The complainant then complained to officers that she was assaulted, while the opposing protestors stated simultaneously that she, herself, had provoked the assault. The officers appeared to be trying to move the crowd back and to disperse the crowd and did not take any law enforcement action at that time. The officers attempted to keep the crowd calm. Two officers, who appeared from the OPA Director’s review of the video to be an Assistant Chief and a Sergeant, engaged with one angry demonstrator to attempt to diffuse the situation. The officers were able to move the individuals back. The video then captured the complainant continuing to argue with opposing protestors. At no point did the complainant appear to be sobbing. The OPA Director further did not observe any actions by officers captured by the video that were consistent with officers treating the complainant like a criminal.

SPD Policy 5.001-POL-5 states that: “Employees are authorized and expected to use discretion in a reasonable manner consistent with the mission of the Department and duties of their office

and assignment.” The policy further instructs that: “The scope of discretion is proportional to the severity of the crime or public safety issue being addressed.” (See SPD Policy 5.001-POL-5.)

The complainant’s allegation appeared to be that unknown officers failed to properly exercise their discretion when they did not arrest the individuals she alleged had assaulted her. The officers were required to diffuse a stressful, volatile situation. Individuals within the large crowd of demonstrators were yelling at, threatening, and engaging in physical confrontations with each other. At the time the complainant approached officers complaining that she had been assaulted, opposing demonstrators were making similar allegations concerning her conduct. At that point, the officers were warranted in dealing with the immediate threats before them – namely, dispersing the crowd and ensuring that a riot did not occur between feuding demonstrators.

For these reasons and based on the OPA Director’s review of the evidence, he did not find that any officers abused their discretion during the handling of this incident.

SPD Policy 5.001-POL-9 requires that SPD employees “strive to be professional at all times.” The policy further instructs that “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers.” (SPD Policy 5.001-POL-9.)

Based on the OPA Director’s review of the evidence, he did not find that any SPD officer involved in this incident behaved unprofessionally. Moreover, the Director noted that officers actively tried to diffuse this volatile situation and were successfully able to disperse this crowd with no force used (other than de minimis) or arrests needed.

SPD Policy 15.180-POL-1 requires that officers conduct a thorough and complete search for evidence.

For the same reasons as articulated in Allegation #1 above, the OPA Director did not find that officers violated SPD policy by not conducting an immediate investigation of the complainant’s allegations of assault and searching for evidence. The officers were focused on dispersing the crowd and preventing harm to civilians and officers. Notably, the complainant could have approached officers after the crowd was dispersed and the imminent threat controlled and, at that point, formally initiated a criminal complaint; however, there was no evidence in the record that she did so. Had she done so, her complaint would have been documented in a general offense report.

FINDINGS

Named Employee #1

Allegation #1

A preponderance of the evidence showed that no officers abused their discretion during the handling of this incident. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Standards and Duties: Employees May Use Discretion.*

Allegation #2

A preponderance of the evidence showed no SPD officer involved in this incident behaved unprofessionally. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Standards and Duties: Employees Shall Strive to be Professional at all Times.*

Allegation #3

A preponderance of the evidence showed that given the situation, officers did not violate SPD policy by not conducting an immediate investigation of the complainant's allegations of assault and searching for evidence. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Primary Investigations: Officers Shall Conduct a Thorough and Complete Search for Evidence.*

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.