



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2015-0051

Issued Date: 07/30/2015

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 8.001 (2) Using Force: When Prohibited (Policy that was issued 01/01/14)
OPA Finding	Not Sustained (Inconclusive)
Final Discipline	N/A

INCIDENT SYNOPSIS

The named employee was working during a demonstration as a plainclothes detective.

COMPLAINT

The complainant reported that while he was observing a protest from a sidewalk he photographed someone he believed to be an undercover officer. It is alleged that the named employee walked up to the complainant, turned his back and back into the complainant forcibly. The complainant believes that this was done to prevent him from taking any further photos and to impede his 1st Amendment rights.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of complaint email
2. Interview of the complainant
3. Search for and review of all relevant records and other evidence
4. Interviews of SPD employees

ANALYSIS AND CONCLUSION

Plainclothes detectives were assigned to monitor the demonstration and observe the activity. In this role, detectives were expected to identify criminal acts such as property destruction and/or assault and call on officers in uniform to take appropriate enforcement action. The named employee was not obligated to pose for a photograph by the complainant and had the right to turn or walk away. Both the complainant and the named employee agree that there was brief physical contact between them but they cannot agree on whether it was the named employee or the complainant who walked into the other. If there had been any force used, even *de minimis* force, to prevent the complainant from taking a photograph, it would have violated SPD policy. There was insufficient evidence to show that the brief contact between the named employee and the complainant was intentional or inadvertent.

FINDINGS

Named Employee #1

Allegation #1

The evidence could not prove or disprove that the named employee intentionally contacted the complainant. Therefore a finding of **Not Sustained** (Inconclusive) was issued for *Using Force: When Prohibited*.

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.