



## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Closed Case Summary

Complaint Number OPA#2016-0579

Issued Date: 12/20/2016

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 5.140 (2) Bias-Free Policing: Officers Will Not Engage in Bias-Based Policing (Policy that was issued August 1, 2015)
OPA Finding	<b>Not Sustained</b> (Unfounded)

#### **INCIDENT SYNOPSIS**

The Named Employee was dispatched to a disturbance outside of a church.

#### **COMPLAINT**

The complainant alleged that the Named Employee was a racist and that he used a racial slur while putting him (the complainant) in the holding cell.

#### **INVESTIGATION**

The OPA investigation included the following actions:

1. Review of the complaint
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

The complainant alleged that the Named Employee was a racist. The complainant could not provide any details why he felt that the Named Employee was a racist other than he has had prior contacts with him. The complainant later called to state that the Named Employee called him a racial slur when he was in the holding cell area of the precinct.

The Named Employee responded to a disturbance. When he arrived he saw the complainant holding a large branch while chasing another man. The complainant was apprehended and arrested for assault. There was no force used during the arrest and according to the Named Employee, the arrest was unremarkable. While the complainant was being put into the holding cell, the complainant reported to the screening sergeant that the officer who arrested him was a racist. The sergeant attempted to find out why the complainant felt the officer was a racist, but the complainant just kept repeating that he felt the officer was a racist. The complainant made no mention to the sergeant of the Named Employee using a racial slur. When the complainant was interviewed by OPA he added the information that the Named Employee used a racial slur while in the holding cell area. During the Named Employee's OPA interview, the Named Employee said he saw the complainant with a large branch in his hand chasing another black male and this was the only reason he contacted the complainant. The Named Employee said race did not play a factor in his decision to stop the complainant. The Named Employee denied ever using a racial slur toward the complainant. A review of the holding cell video showed that the Named Employee was not present while the complainant was being processed. A preponderance of the evidence supported the conclusion that the Named Employee stopped the complainant for a lawful purpose and that race played no factor in the Named Employee's decision to stop the complainant. The preponderance of the evidence also showed that the Named Employee was not present during the time the complainant alleged he (the Named Employee) used a racial slur. With the exception of the complainant, no other witnesses reported hearing racial slurs made by an officer while the complainant was in the holding cell area.

## FINDINGS

### **Named Employee #1**

#### Allegation #1

A preponderance of the evidence did not support the allegation that the Named Employee used a racial slur. 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.*