



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2015-0156

Issued Date: 08/17/2015

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 5.140 (2) Officers Will Not Engage in Bias-Based Policing (Policy that was issued 01/01/15)
OPA Finding	Not Sustained (Training Referral)
Final Discipline	N/A

INCIDENT SYNOPSIS

Seattle Police Officers responded to a call of a possible collision. When they arrived they found a car in a ditch and spoke with the driver, the complainant, of the vehicle. The officers believed that the complainant was under the influence and attempted to conduct Field Sobriety Tests. However, the complainant declined to cooperate with the tests. The named employee arrested the complainant for DUI and impounded his car.

COMPLAINT

The complainant alleged that the named employee arrested him after deciding he was guilty of DUI without justification. The complainant complained that he should not have to pay for the retrieval of his impounded vehicle after getting a "0.0" reading on his breath test after he was arrested. The complainant further alleged that the named employee arrested him because the complainant was black.

INVESTIGATION

The OPA investigation included the following actions:

1. Interview of the complainant
2. Review of In-Car Video
3. Search for and review of all relevant records and other evidence
4. Interviews of SPD employees

ANALYSIS AND CONCLUSION

While there is no direct evidence to support the allegation that the named employee acted out of bias in his decisions concerning the complainant, the circumstances were such that bias could not be ruled out as a factor in his decisions to arrest the complainant and impound his vehicle.

Of particular note are the following factors:

- There was no odor of alcohol coming from the complainant
- The complainant showed the named employee medicine that explained his bloodshot eyes
- There seemed to be no compelling practical reason to impound the complainant's vehicle since AAA arrived on-scene at the request of the complainant and was ready to get the car out of the ditch.

FINDINGS

Named Employee #1

Allegation #1

While there was no direct evidence to show that the named employee acted out of bias, the named employee would benefit from a review of the Department's Bias-Free Policing Policy and Training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *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.