



OFFICE OF POLICE ACCOUNTABILITY

Closed Case Summary

Complaint Number 2017OPA-0178

Issued Date: 09/05/2017

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	Not Sustained (Unfounded)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employee stopped the complainant for riding a bicycle without wearing a helmet.

COMPLAINT

The complainant alleged that the Named Employee only stopped him for an infraction for failure to wear a helmet because the Named Employee was racist and biased towards him.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint memo
2. Search for and review of all relevant records and other evidence
3. Review of In-Car Video (ICV)
4. Interview of SPD employee

ANALYSIS AND CONCLUSION

The complainant alleged that Named Employee #1 stopped and arrested him because Named Employee #1 was racist and biased. Named Employee #1 contended that he stopped the complainant due to the fact that the complainant was riding his bicycle without a helmet, in violation of King County Health Code 9.15.010.

Named Employee #1 stated that after viewing the complainant's conduct, Named Employee #1 activated his body worn camera. Named Employee #1 and his partner then approached and stopped the complainant. The officers notified the complainant why he was being stopped and requested that the complainant provide his name and date of birth in order for the officers to cite the complainant for the on-viewed offense.

The complainant denied that he was riding his bike without a helmet and initially refused to provide his name and date of birth to the officers. During this interaction, Named Employee #1 spoke to the complainant calmly and respectfully; however, the complainant spoke to the officers rudely and his demeanor was hostile. Ultimately, Named Employee #1 offered to show the complainant the video from his body worn camera. Named Employee #1 announced that he was going to stop recording, turned off the camera, and showed the complainant the video. Named Employee #1 then re-activated his body worn camera and re-engaged with the complainant to obtain his identifying information. After an additional back and forth, during which Named Employee #1 maintained his respectful and polite demeanor, the complainant begrudgingly provided his name and date of birth. This information yielded an open felony warrant for "Possession of a Stolen Vehicle." Named Employee #1 then made the decision to place the complainant under arrest.

Shortly after being detained, the complainant indicated his belief that the stop was based on bias. As such, the officers' immediate supervisor was notified to come to the scene to screen and investigate the allegation in person. After discussing the incident with the supervisor, the complainant indicated that he wanted to make a formal complaint. The supervisor initiated the instant complaint via SPD's internal system.

SPD policy prohibits biased policing, which it defines as "the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws as well other discernible personal characteristics of an individual." This includes different treatment based on the race of the subject.

Here, the video of the incident from Named Employee #1's body worn camera indicated that the complainant was, in fact, riding his bicycle without a helmet. There was no evidence in the record establishing that the stop was based on the race of the complaint or any bias. Notably, Named Employee #1 indicated that in the past year he issued between 5 to 10 cycling infractions and approximately 50 infractions for failure to wear a helmet while biking. This was consistent with his supervisor's assertion that Named Employee #1 was an active officer and, when evaluated with the other evidence in this case, weighed against a finding of bias.

FINDINGS

Named Employee #1

Allegation #1

There was no evidence in the record establishing that the stop made by the Named Employee was based on the race of the complaint or any bias. 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.