



## OFFICE OF POLICE ACCOUNTABILITY

### Closed Case Summary

Complaint Number 2017OPA-0582

Issued Date: 02/01/2018

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual 5.140 (2) Bias-Free Policing: Officers Will Not Engage in Bias Based Policing</u> (Policy that was issued August 1, 2015)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Allegation #2	<u>Seattle Police Department Manual 5.001 (9) Standards and Duties: Employees Shall Strive to be Professional at all Times</u> (Policy that was issued April 1, 2015)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Final Discipline	N/A

#### **INCIDENT SYNOPSIS**

The Named Employee responded to a call at the complainant's residence.

#### **COMPLAINT**

The complainant alleged that the Named Employee "yelled" at her and used a rude tone of voice when she spoke with the complainant in regards to a domestic dispute. Additionally, the complainant alleged that the Named Employee's investigation was biased against her because of her race.

## **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
3. Review of In-Car Videos (ICV)
4. Interview of SPD employee

## **ANALYSIS AND CONCLUSION**

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.” (SPD Policy 5.140.) This includes different treatment based on the race of the subject. (See id.)

Based on the OPA Director’s review of the evidence, he found no evidence indicating that Named Employee #1 engaged in biased policing. Named Employee #1 reported that her actions were based on the information she learned at the scene, as well as on her interactions with the complainant and the complainant’s ex-boyfriend and Named Employee #1’s evaluation of their respective accounts and demeanors. Named Employee #1 stated at her OPA interview that she did not engage in biased policing. This assertion was corroborated by the account of the concierge, who was an impartial witness to the 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, including the audio recording of Named Employee #1’s interaction with the complainant, he did not find that Named Employee #1’s behavior was unprofessional. While Named Employee #1 did, at times, use a firm tone of voice with the complainant – particularly when she told her that she could not go outside – it was due to Named Employee #1’s concern that the complainant would escalate an already potentially volatile situation. Named Employee #1 denied that she yelled at the complainant, and this contention was corroborated not only by the ICV but also by a disinterested third party witness. Notably, this witness, the concierge, informed OPA of her belief that Named Employee #1 was not unprofessional or rude during her interaction with the complainant.

## **FINDINGS**

### **Named Employee #1**

#### Allegation #1

There was no evidence indicating that Named Employee #1 engaged in biased policing. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Bias-Free Policing: Officers Will Not Engage in Bias Based Policing*.

#### Allegation #2

A preponderance of the evidence showed that Named Employee #1's behavior was not unprofessional. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Standards and Duties: Employees Shall Strive to be Professional at all Times*.

*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.*