



CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 8, 2019

CASE NUMBER: 2018OPA-0666

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.140 - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing	Not Sustained (Unfounded)

Named Employee #2

Allegation(s):		Director’s Findings
# 1	5.140 - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing	Not Sustained (Unfounded)

Named Employee #3

Allegation(s):		Director’s Findings
# 1	5.140 - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing	Not Sustained (Unfounded)

Named Employee #4

Allegation(s):		Director’s Findings
# 1	5.140 - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing	Not Sustained (Unfounded)

Named Employee #5

Allegation(s):		Director’s Findings
# 1	5.140 - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing	Not Sustained (Unfounded)

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

The Complainant alleged that the Named Employees engaged in biased policing when they detained and subsequently arrested him for assault.

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the OPA Auditor’s review and approval, believed that it could reach and issue recommended findings based solely on its intake investigation and without interviewing the Named Employees. As such, the Named Employees were not interviewed as part of this case.

ANALYSIS AND CONCLUSIONS:



Named Employee #1 - Allegations #1

5.140 - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing

Officers responded to a call of an assault at 6th Avenue and South King Street. The caller alleged that the victim was punched and kicked by a “transient male in a wheelchair.” After Named Employee #1 (NE#1) and Named Employee #2 (NE#2) arrived at the scene, the victim provided details of the alleged assault, as well as a description of the subject – who was identified as a thin, Black male, in his fifties, wearing a white shirt and black pants. The victim confirmed that the subject was in a wheelchair and that the subject left the scene following the assault. Following their interview of the victim, NE#1 and NE#2 located and detained the Complainant, who matched the victim’s description, and investigated the incident. As part of their investigation, other officers brought the victim to where the Complainant was detained and positively identified the Complainant as the assailant. The Complainant was then arrested.

After his arrest, the Complainant alleged that the NE#1, NE#2, Named Employee #3 (NE#3), Named Employee #4 (NE#4), and Named Employee #5 (NE#5) detained and arrested him because he is Black. NE#1 informed his Sergeant of the Complainant’s allegation. The Sergeant spoke with the Complainant, who reiterated his allegations of biased policing. However, the Sergeant reported that, based on the generalities of the Complainant’s allegations, he was unable to ascertain which officers the Complainant was complaining about. Accordingly, he initiated an OPA referral naming all five officers who were present and heard the Complainant’s allegation.

OPA then initiated this investigation. As part of its investigation, OPA attempted to interview the Complainant. However, the Complainant did not make himself available and OPA was, thus, unsuccessful in this regard.

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 OPA’s review of the evidence, there is no indication that any of the Named Employees engaged in biased policing. The Complainant was arrested based on his conduct, not because of his race or membership in any protected class. That there was no bias on the part of the Named Employees is further confirmed by the Body Worn Video of this incident. For these reasons, I recommend that this allegation be Not Sustained – Unfounded as against all of the Named Employees.

Recommended Finding: **Not Sustained (Unfounded)**

Named Employee #2 - Allegations #1

5.140 - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing

For the same reasons as stated above (*see* Named Employee #1, Allegation #1), I recommend that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained (Unfounded)**



Named Employee #3 - Allegations #1

5.140 - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing

For the same reasons as stated above (see Named Employee #1, Allegation #1), I recommend that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained (Unfounded)**

Named Employee #4 - Allegations #1

5.140 - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing

For the same reasons as stated above (see Named Employee #1, Allegation #1), I recommend that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained (Unfounded)**

Named Employee #5 – Allegation #1

5.140 - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing

For the same reasons as stated above (see Named Employee #1, Allegation #1), I recommend that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained (Unfounded)**