



## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Closed Case Summary

Complaint Number OPA#2016-0746

Issued Date: 02/13/2017

Named Employees #1, #2, #3, #4, #5, and #6	
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 December 19, 2012 and August 1, 2015)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Final Discipline	N/A

#### **INCIDENT SYNOPSIS**

One or more of the Named Employees interacted with the complainant on four occasions.

#### **COMPLAINT**

The complainant alleged four separate instances involving different Named Employees where they engaged in bias-policing based for one or more of the following reasons: a) his nationality b) his immigration status c) his homelessness status.

#### **INVESTIGATION**

The OPA investigation included the following actions:

1. Review of the complaint
2. Review of In-Car Videos (ICV)
3. Search for and review of all relevant records and other evidence
4. Interviews of SPD employees

## **ANALYSIS AND CONCLUSION**

Named Employee #1 was flagged down by a female who reported a DV-Harassment by the complainant. After an adequate investigation, including interviews with the reporting party and the complainant, Named Employee #1 believed there was probable cause to arrest the complainant for DV-Harassment, a mandatory arrest under the RCW. Based on the General Offense Report written by Named Employee #1 and the statements to OPA made by Named Employee #1 and Named Employee #2, it appeared there was probable cause to believe the complainant committed an act of DV-Harassment, thus making it mandatory that Named Employee #1 arrest the complainant. No evidence of bias on the part of Named Employee #1 was discovered during the OPA investigation and Named Employee #1's decision regarding probable cause and a mandatory arrest were screened by his supervisor.

Named Employee #2 was the assist officer for Named Employee #1 and did not make the decision to arrest the complainant. That decision was made by Named Employee #1. No evidence of bias on the part of Named Employee #2 was discovered during the OPA investigation.

Named Employee #3 screened the arrest of the complainant made by Named Employee #1. Based on what was included in the General Offense Report written by Named Employee #1 and assuming Named Employee #1 told Named Employee #3 the same facts contained in that report, it would have been reasonable for Named Employee #3 to approve the arrest of the complainant. The complainant told OPA that Named Employee #3 told him there was nothing he (Named Employee #3) could do about the arrest and the complainant's claim of innocence. Given what Named Employee #1 documented in the General Offense Report, it would have been an accurate statement for Named Employee #3 to tell the complainant there was nothing he could do because, with probable cause in a DV allegation, it was a mandatory arrest situation. No evidence of bias on the part of Named Employee #3 was discovered during the OPA investigation.

Named Employee #4 cited the complainant on two separate occasions for vending in public without a license. Named Employee #4 told OPA he had previously warned the complainant for this activity and told him he could be cited or arrested if he continued to display and offer goods for sale on the sidewalk. ICV showed items of clothing hanging on a chain link fence at the location where the citations were issued and audio did not contain any denial of the offense by the complainant. Similarly, nothing on the ICV of the two incidents indicated bias on the part of Named Employee #4. No evidence of bias on the part of Named Employee #4 was discovered during the OPA investigation.

The complainant called 911 reporting that a female had threatened him with a knife. Named Employee #5 was dispatched and handled the call as the primary officer. Named Employee #5 and his assist officer, Named Employee #6, were both on bicycles and had no ICV. Named Employee #5 interviewed the complainant and Named Employee #6 interviewed the female, who denied having a knife and making any threats. In fact, the female accused the complainant

of calling her a “bitch” and threatening to kill her. Named Employee #6 frisked the female and searched the area but found no knife. Neither the complainant nor the female could provide the names of any witnesses to the alleged threats. Named Employee #5 canvassed the area for witnesses, but no one present claimed to have seen or heard any threats. Named Employee #5 established that the complainant and the female were not in a “domestic relationship” as defined by the RCW. Based on all this, Named Employee #5 made the decision he lacked probable cause to arrest the female or refer the case to a prosecutor for consideration of charges. Based on the OPA investigation, the OPA Director found this decision to be reasonable and consistent with what Named Employee #5 knew at the time. Finally, no evidence of bias on the part of Named Employee #5 was discovered during the OPA investigation.

Named Employee #6 was the assist officer on the report of threats with a knife handled by Named Employee #5 (see above). The decision not to arrest the female was made by Named Employee #5. Named Employee #6 searched the female and the surrounding area for a knife and assisted with the canvass of the area for potential witnesses. Finally, no evidence of bias on the part of Named Employee #6 was discovered during the OPA investigation.

## **FINDINGS**

### **Named Employees #1, #2, #3, #4, #5, and #6**

#### **Allegation #1**

No evidence of bias on the part of the Named Employees was discovered during the OPA investigation. 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.*