



OFFICE OF POLICE ACCOUNTABILITY

Closed Case Summary

Complaint Number 2017OPA-0349

Issued Date: 10/04/2017

| Named Employee #1 | |
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| 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 (Lawful and Proper) |
| Final Discipline | N/A |

INCIDENT SYNOPSIS

The Named Employee conducted a traffic stop of a vehicle driven by the complainant's daughter's cousin, with the complainant's daughter as the passenger.

COMPLAINT

The complainant alleged SPD illegally pulled over her daughter and her daughter's cousin when they were driving her (the complainant's) car, and that the actions taken by SPD were based on the race of her daughter and her daughter's cousin.

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 Video (ICV)
4. Interview of SPD employee

ANALYSIS AND CONCLUSION

On the date in question, SPD officers were conducting narcotics enforcement activities. As part of those activities, officers observed what they believed to be a drug transaction. The officers identified a male individual as the subject responsible for the narcotics transaction. They then observed the male subject get into a blue vehicle and drive from the scene. Based on the male subject's observed conduct, the officers made the decision to conduct a traffic stop of the vehicle. A team of officers did so and the male subject was placed under arrest. A female was also in the vehicle when it was stopped. The female was not placed under arrest as she had not been observed engaging in any criminal activity. The vehicle was impounded and was towed to a Department vehicle processing room. Upon impound, officers noticed that the vehicle had a broken window that was taped up with plastic, and observed that there was garbage and clothes in the vehicle. The male subject later consented to a search of the vehicle. The vehicle was ultimately released back into the male subject's custody.

Based on the initial complaints made with OPA by the complainant, it appeared as if the complainant's daughter was the female passenger of the vehicle and the daughter's cousin was the male subject. OPA attempted to interview the complainant on multiple occasions. OPA called the complainant twice and left messages. OPA also sent a letter to the complainant's address. However, the complainant did not respond to OPA.

From a review of the evidence in this case and applying a preponderance of the evidence standard, the OPA Director found no basis for the allegation that Named Employee #1 engaged in biased policing. As indicated above, the officers had probable cause to believe that the male subject had engaged in a narcotics transaction. The officers accordingly had a lawful basis to stop the male subject's vehicle and to place him under arrest. While the male subject was African-American, his conduct, not his race, was the determinative factor underlying his stop and arrest. Moreover, there was no evidence in the record suggesting that the officers knew what race the complainant's daughter was prior to the stop, let alone treated her disparately for that reason.

FINDINGS

Named Employee #1

Allegation #1

A preponderance of the evidence showed that there was no basis for the allegation 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*.

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.