



## OFFICE OF POLICE ACCOUNTABILITY

### Closed Case Summary

Complaint Number 2017OPA-0437

Issued Date: 10/19/2017

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	<b>Not Sustained</b> (Unfounded)
Final Discipline	N/A

#### **INCIDENT SYNOPSIS**

Named Employee #1 contacted the complainant in connection to a reported hit and run.

#### **COMPLAINT**

The complainant made allegations at the scene that Named Employee #1 took law enforcement actions directed towards the complainant that were motivated by bias.

#### **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)

## **ANALYSIS AND CONCLUSION**

On the date in question, Named Employee #1 responded to the scene of a reported hit and run. Named Employee #1 contacted the occupants of the vehicle who had remained at the scene. One of those occupants was the complainant. Named Employee #1's response and interaction with the vehicle occupants was captured by In-Car Video (ICV).

The occupants indicated that the driver ran away from the scene southbound and that they did not know the identity of the driver. Accordingly, both occupants appeared to deny knowing who owned the car they had just been riding in. Named Employee #1 asked for a description of the driver and the complainant described an individual that, in Named Employee #1's estimation, matched the complainant's own physical description. While the audio of Named Employee #1's ICV is at points unclear, apparently during this interaction Named Employee #1 told the complainant that he believed it was possible that the complainant was the driver. The complainant then responded that Named Employee #1's belief was based on bias.

A Sergeant responded to the scene and Named Employee #1 informed her that he believed that the complainant, who had stated he was the front passenger in the vehicle, was actually the driver. Named Employee #1 indicated to the Sergeant that he could not prove that the complainant was the driver and that he had no witnesses. Named Employee #1 also disclosed that the complainant had made an allegation of biased policing. The Sergeant spoke with the complainant who reiterated the allegation that Named Employee #1 had engaged in biased policing. The complainant was provided with OPA's contact information.

There was no indication from the OPA Director's review of the ICV associated with this case that Named Employee #1's conduct was motivated by bias. Named Employee #1 spoke to the complainant in a polite, yet stern, manner. He repeatedly told the complainant that he was trying to determine who the driver was. However, neither of the occupants provided any information that was helpful or relevant to answering that question. Moreover, the occupants presented as suspicious as both admitted being in the car but denied knowing who the owner was. Further, the complainant gave a description of the subject that, in Named Employee #1's mind, largely matched himself. Ultimately, the fact that Named Employee #1 queried the complainant as to whether he was the driver based on this description did not, in and of itself, indicate bias.

During its intake process and investigation, OPA made several attempts to contact the complainant to discuss the details of the complaint. These attempts were unsuccessful. Ultimately, without any information from the complainant, the OPA Director could not determine, by a preponderance of the evidence, that Named Employee #1 engaged in biased policing.

## **FINDINGS**

### **Named Employee #1**

#### Allegation #1

There was no preponderance of evidence that showed 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.*