



## CLOSED CASE SUMMARY

ISSUED DATE: MAY 31, 2018

CASE NUMBER: 2017OPA-1325

### 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)
# 2	5.001 - Standards and Duties 13. Retaliation is prohibited	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)
# 2	5.001 - Standards and Duties 13. Retaliation is prohibited	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 he was repeatedly harassed and subjected to biased policing by the Named Employees.

**STATEMENT OF FACTS:**

The Complainant told OPA he was waiting in line to buy tickets at Centurylink Field when the Named Employees approached him and told him that he had been trespassed from the property. The Complainant reported that he told the Named Employees that he had not been trespassed. The officers told him to leave the property and he refused. He stated that the officers told him that every time they saw him at CenturyLink Field he would be trespassed. He was then placed under arrest. During his OPA interview, the Complainant indicated his belief that he was trespassed because he was Black. He stated that he had seen White people that were “doing the same exact thing” that he was doing but that were not harassed by the police or trespassed from the property. The Complainant further stated that, during a prior incident, officers had used racial slurs towards him; however, he did not allege that the Named Employees made such comments in this case (“Well no, they didn’t make it then...”). The Complainant told OPA that the charges against him were dismissed and that he had been exonerated.

During its investigation, OPA determined that there were at least five other documented incidents of the Complainant being trespassed from CenturyLink Field. OPA further confirmed that the criminal case against the Complainant was ultimately dismissed due to the fact that there was no civilian witness.

Named Employee #1 (NE#1) indicated that, on the date in question, he was working secondary employment at CenturyLink Field. He described his responsibilities as dealing with “guest relations,” to be a “visible law enforcement presence,” and, if needed, to “deal with law enforcement matters.” NE#1 stated that, prior to the date in question,



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he had arrested the Complainant on a number of previous occasions, each time for trespassing at CenturyLink Field. NE#1 had personally witnessed CenturyLink Field staff inform the Complainant that he was permanently trespassed from that location. NE#1 stated that he informed Named Employee #2 (NE#2), who he was working with, that the Complainant was on the property and that he had previously been trespassed. They then together approached the Complainant, informed him that he was trespassed, and asked him to leave the property. The Complainant refused and, when NE#1 again asked him to leave, he swore at NE#1. NE#1 asked him to leave a third time and the Complainant again swore and said something along the lines of: “go fuck yourself” or “fucking arrest me then.” NE#1 asked him to leave a fourth time and when the Complainant swore at him again and did not leave, NE#1 placed the Complainant under arrest.

NE#2 was also working secondary employment at CenturyLink Field on the date in question. He stated that his role was to “assist the civilian security,” which included “ensuring that the ticket scalpers do their business off of Century Link’s property.” NE#2 told OPA that the Complainant was “one of our...known ticket scalpers” that had been trespassed from the property. NE#2 indicated that when he observed the Complainant, he knew that he was prohibited from being at CenturyLink Field. NE#2, after interacting with the Complainant, made the decision to place him under arrest. This was the second time NE#2 had arrested the Complainant for trespassing; however, he had also given him warnings on a number of previous occasions.

**ANALYSIS AND CONCLUSIONS:**

**Named Employee #1 - Allegation #1**

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

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.*)

While the Complainant alleged that the Named Employees engaged in biased policing, both of the Named Employees denied doing so. From my review of the record, I find no indication that the Complainant’s arrest was based on bias. Instead, the Complainant was arrested based on the fact that he had been trespassed numerous times by CenturyLink Field and had been told to stay off this property in the future. The Complainant was given multiple opportunities to leave the property without being arrested and he declined to do so. I moreover see no evidence in the record proving the Complainant’s assertion that he was targeted for law enforcement activity while similarly situated White individuals were not.

For these reasons, I recommend that this allegation be Not Sustained – Unfounded as against both Named Employees.

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



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**Named Employee #1 - Allegation #2**

***5.001 - Standards and Duties 13. Retaliation is prohibited***

SPD policy precludes its employees from engaging in retaliation. (SPD Policy 5.001-POL-13.) SPD employees are specifically prohibited from retaliating against a person who engage in activities including, but not limited to, “oppos[ing] any practice that is reasonably believed to be unlawful or in violation of Department policy” or “who otherwise engages in lawful behavior.” (*Id.*) Retaliatory acts are defined broadly under SPD’s policy and include “discouragement, intimidation, coercion, or adverse action against any person. (*Id.*)

As discussed above, I find that the Complainant had been previously trespassed from CenturyLink Field based on information conveyed by CenturyLink staff to SPD officers. During this specific incident, the Complainant was informed that he was trespassing, was given the chance to leave, and chose not to do so. As a result, he was arrested. I find that his arrest was based on his conduct during this incident and was not a retaliatory action on the part of the Named Employees.

For these reasons, I recommend that this allegation be Not Sustained – Unfounded against both Named Employees.

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

**Named Employee #2 - 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)**

**Named Employee #2 - Allegation #2**

***5.001 - Standards and Duties 13. Retaliation is prohibited***

For the same reasons as stated above (see Named Employee #1, Allegation #2), I recommend that this allegation be Not Sustained – Unfounded.

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