



CLOSED CASE SUMMARY

ISSUED DATE: OCTOBER 15, 2018

CASE NUMBER: 2018OPA-0357

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)

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 towards him.

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

The Complainant alleged that he was arrested for a domestic violence incident and that this arrest was based on his gender, ethnicity, and religion. He told OPA that the charges against him were later dismissed by the Seattle City Attorney’s Office. He asserted that the involved officers failed to exercise appropriate judgment in his case and



overreached when arresting him. Lastly, the Complainant contended that when he asked Named Employee #1 (NE#1) what he was being arrested for, she told him that he was alleged to have violated a no-contact order and that the officers had evidence of his criminal behavior. The Complainant claimed that he was treated in a humiliating and disrespectful fashion by the officers. He told OPA that when he asked what evidence the officers had supporting his arrest, NE#1 responded: "you'll find out in front of a judge."

SPD Policy 5.140-POL-5 requires employees to call a supervisor in response to allegations of biased policing. This includes providing sufficient information to the supervisor to allow a determination as to what occurred and what the nature of the bias allegation is. (SPD Policy 5.140-POL-5.)

OPA's investigation included interviewing the Complainant. His statement is fully detailed in the Intake Follow-Up attached to OPA's case file. OPA further reviewed the General Offense Report and Department video. Based on this investigation, it appeared that the officers developed probable cause to believe that the Complainant violated a no-contact order. The officers spoke to the Complainant and informed him that he was under arrest. The Complainant denied that he violated the no-contact order but Named Employee #2 (NE#2) stated that they had proof that he did so. The Complainant's arrest was screened with NE#1, who was the on-scene supervisor. He was then transported to the King County Jail by Named Employee #3 (NE#3). The Complainant continued to deny that he had violated the no-contact order. The Complainant was charged by the Seattle City Attorney's Office; however, the prosecution was dismissed due to the unavailability of a witness.

Given my review of the totality of the record, I find insufficient evidence to establish that any of the Named Employees engaged in biased policing towards the Complainant. Instead, I find that they reasonably believed that there was probable cause to arrest the Complainant for violating a no-contact order. That the criminal charges against him were later dismissed due to witness unavailability does not change this determination. As there is no support for the Complainant's allegation of biased policing, 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)**