



CLOSED CASE SUMMARY

ISSUED DATE: JUNE 29, 2019

CASE NUMBER: 2019OPA-0068

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)

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:

On January 11, 2019, the Named Employees arrested the Complainant for trespassing. While being transported to the King County Jail, the Complainant alleged that he was arrested because he is Black.

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the review and approval of the Office of Inspector General for Public Safety, 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

Named Employee #1 (NE#1) and Named Employee #2 (NE#2) responded to a 911 call regarding a male who was alleged to be trespassing. The 911 caller gave the location of the property along with the following description of the male suspect: “BM, 45-50’s. 5’8”, Heavy, Hoodie, Blue Track Pants.” The 911 caller also provided the last known location of the male suspect and his direction of travel. Additional remarks on the call included that the 911 caller reported the individual to be intoxicated, that the individual had been previously trespassed, and that the trespassing was a reoccurring issue. After arriving at the vicinity of the property, the Named Employees located the suspect, who is the Complainant in this case. The Complainant matched the description provided by the 911 caller



and the Named Employees arrested him without incident. NE#2 noted in his report that he was very familiar with the Complainant and that he was previously arrested for trespassing at this same location.

OPA reviewed the Body Worn Video (BWV) associated with this incident and found that it supports the account of what took place as described above.

OPA made multiple attempts to interview the Complainant but were unsuccessful. Thus, the Complainant was not interviewed as part of this investigation.

SPD Policy 5.140 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.” This includes different treatment based on the race of the subject. (*See id.*)

Based on OPA’s review of the evidence, there is no indication that the Named Employees engaged in biased policing. The Named Employees had sufficient probable cause to arrest the Complainant. The Complainant’s conduct, not his race or his membership in any protected class, was the reason for the law enforcement action taken against him. Moreover, the BWV conclusively established that the Named Employees did not engage in biased policing.

For these reasons, I recommend that this allegation be Not Sustained – Unfounded as against both 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 listed above (*see* Named Employee #1 – Allegation #1), I recommend that this allegation be Not Sustained – Unfounded.

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