



CLOSED CASE SUMMARY

ISSUED DATE: APRIL 30, 2019

CASE NUMBER: 2018OPA-1093

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 made a general allegation that the Named Employees were racists after his arrest.

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the Office of Inspector General’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

Officers responded to a call of a fight involving two males that was reportedly taking place at the Downtown Emergency Service Center (DESC) in downtown Seattle. After Named Employee #1 (NE#1), Named Employee #2 (NE#2), and Named Employee #3 (NE#3) arrived at the scene, DESC staff members stated that they observed the Complainant aggressively confronting two potential victims. The victims told the officers that the Complainant



forcibly removed a chain necklace from one of the victims and threatened to kill both of the victims. After completing their preliminary investigation, the officers placed the Complainant under arrest for felony harassment and robbery. After doing so, the officers found the Complainant in possession of the necklace.

During the arrest process, the Complainant alleged that NE#1, NE#2, and NE#3 were all being “White racist cops.” The Complainant reiterated that information to a Sergeant who later screened the arrest and followed up on the biased policing allegation. The Complainant did not provide any information concerning why he believed this to be the case, other than describing the Named Employees as: “prejudice, racist, and bigots.”

After speaking with OPA regarding the incident, the Sergeant initiated a referral naming all three officers who were involved in the arrest. OPA then commenced this investigation. OPA attempted to interview the Complainant; however, the Complainant did not make himself available to OPA.

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.*) If, as the Complainant alleged, that the Named Employees engaged in biased policing it would be a violation of SPD policy.

Based on OPA’s review of the evidence, there is no indication that any of the Named Employees engaged in biased policing. The Complainant was arrested based on his conduct, not because of his race or membership in any protected class. That there was no bias on the part of the Named Employees is further confirmed by the Department video of this incident. For these reasons, 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)**