



## ***CLOSED CASE SUMMARY***

ISSUED DATE: JANUARY 7, 2020

CASE NUMBER: 2019OPA-0536

### **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)

***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 Named Employee #1 arrested her because of her race.

### **ADMINISTRATIVE NOTE:**

This case was designated as an Expedited Investigation. This means that OPA, with 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 Employee. As such, the Named Employee was 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 Biased-Based Policing***

Named Employee #1 (NE#1) was dispatched to a potential domestic violence (DV) incident. A male reported that his girlfriend – who is the Complainant in this case – was intoxicated and was destroying property inside of his residence. The call was updated to reflect that the boyfriend alleged that the Complainant was hitting him. The officers responded to the residence and contacted the Complainant and the boyfriend separately. The Complainant, who appeared to be intoxicated, confirmed that she did not live in the residence and that she was not supposed to be there. She asserted that she had been “raped” and that she “fought back,” but did not identify who had sexually assaulted her. She remarked that the boyfriend thought everything belonged to him because he was White. The Complainant declined to have AMR come to the scene to treat her and stated that she was not interested in availing herself of the SPD detox van. The Complainant did not have any visible injuries.

NE#1 went to speak with the officer who had interviewed the boyfriend. That officer indicated that the boyfriend verified being hit by the Complainant and identified that the boyfriend had a visible injury. That officer also confirmed that the Complainant caused property damage inside of the residence and had attempted to prevent the boyfriend from calling 911.

Based on the totality of the evidence, the officers determined that there was probable cause to arrest the Complainant for DV offenses. Moreover, the Complainant's arrest was mandatory under policy and Washington State law given that the crimes had occurred within the last four hours.

During and after she was taken into custody, the Complainant alleged that she was arrested because of her race. She later reiterated this complaint to a supervisor. The supervisor asked the Complainant whether she wanted him to file a complaint on her behalf. The Complainant said that she did and the supervisor initiated this matter with OPA.

As part of its investigation, OPA reviewed the documents generated concerning this case. OPA also watched the Body Worn Video (BWV), which captured the entirety of the Complainant's interaction with NE#1 and the other officers. OPA attempted to locate the Complainant but was unable to do so despite best efforts. OPA determined that there was an open DV assault warrant for the Complainant's arrest and that she was currently at large.

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.*)

OPA's review of the evidence conclusively establishes that the Complainant's arrest was supported by probable cause. Indeed, under policy and Washington State law, her arrest was mandatory and NE#1 had no discretion in this regard. Moreover, OPA finds no evidence that NE#1's actions were based the Complainant's race or membership in any protected class. To the contrary, the Complainant's arrest was based on her conduct and the compelling evidence that established her criminal behavior. As there is no evidence suggesting bias on NE#1's part, OPA recommends that this allegation be Not Sustained – Unfounded.

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