



CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 7, 2020

CASE NUMBER: 2019OPA-0603

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 the Named Employee engaged in biased policing towards him.

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 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 Bias-Based Policing

The Complainant was involved in a domestic dispute. The incident involved the Complainant's wife. The wife alleged that the Complainant assaulted her and broke her phone. On a later occasion, officers responded to the residence to keep the peace while the wife removed her personal property. The wife obtained a temporary order of protection (TPO) against the Complainant. Named Employee #1 (NE#1), a detective in SPD's Domestic Violence (DV) Unit, was tasked with serving the TPO. However, at the time of service, the Complainant was not within Washington State. NE#1 and the Complainant spoke on the phone regarding service of the warrant. NE#1 informed the Complainant of the date of the hearing on the TPO. After NE#1 left work for the day, the Complainant called and left two voicemails. NE#1 called the Complainant back. NE#1 informed the Complainant that, given his inability to serve the Complainant, NE#1 had returned the TPO paperwork to Court. NE#1 told the Complainant that he did not know whether the petitioner attended the TPO hearing (which had taken place at the time of the phone call) and said that, if so, the paperwork would be re-issued and service would again be attempted. The Complainant grew upset during that phone call and accused him of "playing games." The Complainant also asserted that NE#1's actions towards him were based on his race.

NE#1 relayed the substance of his conversation with the Complainant to a supervisor. The supervisor called the Complainant to discuss his allegations. The Complainant made numerous complaints to the supervisor, including



reiterating the statements that he initially made to NE#1. The supervisor referred these allegations to OPA, and this investigation ensued.

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.*)

Based on OPA review of the evidence, including the accounts provided by the Complainant and the supervisor, OPA finds an insufficient basis to determine that NE#1 engaged in biased policing. Indeed, even if the Complainant’s statements were credited as true, OPA cannot discern which of NE#1’s actions are alleged to constitute bias. While the Complainant asserted that NE#1 was biased when NE#1 told him that the Complainant was yelling during their phone call, OPA disagrees. Moreover, even if the Complainant was unhappy with the information the NE#1 provided him and the manner in which NE#1 did so, this does not constitute bias.

For the above reasons, OPA recommends that this allegation be Not Sustained – Unfounded.

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