



CLOSED CASE SUMMARY

ISSUED DATE: APRIL 3, 2020

CASE NUMBER: 2020OPA-0160

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 he was improperly arrested due to his race.

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

Officers, including the Named Employees, responded to a report concerning a potential violation of a no-contact order. The 911 caller asserted that his roommate had a person with her room and that person was the respondent in a no-contact order in which the roommate was the protected party.

After arriving at the scene, the officers spoke with the 911 caller who repeated the substance of what occurred and identified that he was the homeowner. One officer stationed himself at the rear of the roommate's living area and the other two officers went to the front entrance. While doing so, they noted that the blinds were drawn. The

officers announced themselves as Seattle police and asked for the Complainant. He responded and said: “what happened?” Shortly thereafter, the officers began hearing shouting coming from the apartment. This included a female who yelled: “let me go!”, “get out of here!”, and “help!” The officers could not gain entry to the front door and ran around to the rear, where the other officer was still standing. The officers forced entry into the apartment and, when they did so, they observed the Complainant flee out of the front door. The officers chased him and took him down to the ground. They placed him under arrest and handcuffed him. A Department supervisor came to the scene to screen the arrest. At that time, the Complainant alleged that he was arrested because he was “Black.” The supervisor referred the Complainant’s allegation of biased policing 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’s review of the totality of the evidence – including, most notably, the Body Worn Video, it is abundantly clear that the Named Employees has probable cause to arrest the Complainant. Moreover, given the exclamations by the roommate, the Named Employees reasonably believed that the Complainant was possibly trying to harm her. As such, they lawfully made entry into the apartment and took the Complainant into custody, as well as used appropriate force to do so. The evidence conclusively establishes that the Complainant’s conduct, not his race, was the reason for the law enforcement action taken against him. Accordingly, OPA recommends 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), OPA recommends 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), OPA recommends that this allegation be Not Sustained – Unfounded.

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