



CLOSED CASE SUMMARY

ISSUED DATE: MAY 23, 2022

FROM: INTERIM DIRECTOR GRÁINNE PERKINS
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2021OPA-0471

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 (Expedited)
# 2	5.001 - Standards and Duties 10. Employees Will Strive to be Professional	Not Sustained - Unfounded (Expedited)

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 (NE#1) was unprofessionally rude and that NE#1's behavior was based on the Complainant's race.

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 involved employees. As such, OPA did not interview the involved employees in this case.

SUMMARY OF INVESTIGATION:

After his arrest and transportation to King County Jail, the Complainant asked to speak with a supervisor to make a complaint. A supervisor responded and spoke to the Complainant. The Complainant alleged that NE#1 had been rude to him and that the rudeness was based on the Complainant's skin color. The supervisor filed the Complainant's complaint with OPA. OPA opened this investigation.

During this investigation, OPA reviewed the Complaint, Computer Aided Dispatch (CAD) records for the underlying incident, the Incident/Offense Report, and NE#1's Body Worn Video (BWV). OPA also interviewed the Complainant. The entirety of NE#1's interaction with the Complainant was recorded by NE#1's BWV. As such, the relevant facts are not in credible dispute.



ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.140 - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing

The Complainant alleged that NE#1 engaged in bias-based policing due to the Complainant's race.

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-POL.) This includes different treatment based on the race of the subject. (*See id.*)

The Complainant's bias-based policing allegation was predicated on NE#1 being "rude" to him. As discussed more thoroughly below, NE#1 was not rude to the Complainant. Accordingly, there is not even an alleged basis for finding that NE#1 engaged in bias-based policing. OPA recommends that this allegation be Not Sustained – Unfounded.

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

Named Employee #1 - Allegation #2

5.001 - Standards and Duties 10. Employees Will Strive to be Professional

The Complainant alleged that NE#1 was unprofessional.

SPD Policy 5.001-POL-10 requires that SPD employees "strive to be professional." The policy further instructs that "employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers" whether on or off duty. (SPD Policy 5.001-POL-10.) The policy further states the following: "Any time employees represent the Department or identify themselves as police officers or Department employees, they will not use profanity directed as an insult or any language that is derogatory, contemptuous, or disrespectful toward any person." (*Id.*) Lastly, the policy instructs Department employees to "avoid unnecessary escalation of events even if those events do not end in reportable uses of force." (*Id.*)

Following the Complainant's mandatory arrest, NE#1 was involved in supervising and transporting the Complainant, first to the West Precinct and then to King County Jail. The Complainant alleged that, during this time, NE#1 had a rude tone of voice, repeatedly talked over him, and told him to "shut the f*** up." The Complainant also alleged that he felt NE#1 was aggressive with him and refused to allow the Complainant to smoke a cigarette.

Where specific, the Complainant's allegations did not comport with objective fact. A review of NE#1's BWV showed that NE#1 never used any profanity towards the Complainant and did not tell the Complainant to "shut the f*** up." Moreover, NE#1 not only allowed the Complainant to smoke a cigarette, NE#1 lit the cigarette for the Complainant. OPA also does not agree with the Complainant's more subjective allegations. NE#1 appeared to repeatedly attempt to provide explanations and answered numerous questions from the Complainant. By comparison, the Complainant appeared to be intoxicated, slurred his speech, visibly swayed while standing on his own, repeated questions, and appeared to have difficulty understanding the explanations given to him. Finally, NE#1 agreed to place the



Complainant in two linked pairs of handcuffs after the Complainant complained about his handcuffs being uncomfortable. In short, NE#1 was not only professional, but quite accommodating to the Complainant.

Accordingly, OPA recommends that this allegation be Not Sustained – Unfounded.

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