



CLOSED CASE SUMMARY

ISSUED DATE: MAY 18, 2022

FROM: INTERIM DIRECTOR GRÁINNE PERKINS
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2021OPA-0479

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	15.180 Primary Investigations 1. Officers Shall Conduct a Thorough and Complete Search for Evidence	Not Sustained - Unfounded (Expedited)

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 (Expedited)
# 2	15.180 Primary Investigations 1. Officers Shall Conduct a Thorough and Complete Search for Evidence	Not Sustained - Unfounded (Expedited)

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 (Expedited)
# 2	15.180 Primary Investigations 1. Officers Shall Conduct a Thorough and Complete Search for Evidence	Not Sustained - Unfounded (Expedited)

Named Employee #4

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	15.180 Primary Investigations 1. Officers Shall Conduct a Thorough and Complete Search for Evidence	Not Sustained - Unfounded (Expedited)

Named Employee #5

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	15.180 Primary Investigations 1. Officers Shall Conduct a Thorough and Complete Search for Evidence	Not Sustained - Unfounded (Expedited)



Named Employee #6

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	15.180 Primary Investigations 1. Officers Shall Conduct a Thorough and Complete Search for Evidence	Not Sustained - Unfounded (Expedited)

Named Employee #7

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	15.180 Primary Investigations 1. Officers Shall Conduct a Thorough and Complete Search for Evidence	Not Sustained - Unfounded (Expedited)

Named Employee #8

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	15.180 Primary Investigations 1. Officers Shall Conduct a Thorough and Complete Search for Evidence	Not Sustained - Unfounded (Expedited)

Named Employee #9

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	15.180 Primary Investigations 1. Officers Shall Conduct a Thorough and Complete Search for Evidence	Not Sustained - Unfounded (Expedited)

Named Employee #10

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	15.180 Primary Investigations 1. Officers Shall Conduct a Thorough and Complete Search for Evidence	Not Sustained - Unfounded (Expedited)

Named Employee #11

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	15.180 Primary Investigations 1. Officers Shall Conduct a Thorough and Complete Search for Evidence	Not Sustained - Unfounded (Expedited)



Named Employee #12

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	15.180 Primary Investigations 1. Officers Shall Conduct a Thorough and Complete Search for Evidence	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:

On October 21, 2021, Seattle Police officers responded to a 911 call regarding an attempted burglary at a housing complex. Once at the scene of the incident, officers found probable cause to arrest the Complainant for involvement in the reported burglary. The Complainant alleged that the Named Employees failed to properly investigate the reported incident, which she alleged was based on her 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:

All relevant portions of the Named Employees' response were captured on Body-Worn Video (BWV). Accordingly, the relevant facts are not in credible dispute.

On October 21, 2021, Named Employee #2 (NE#2) and Named Employee #5 (NE#5) responded to a 911 call regarding an attempted burglary at a residential complex. The 911 call was placed by complex staff members, who stated that the suspect was using cards and keys to try and open various doors inside of the complex. Once on scene, NE#2 and NE#5 met with the 911 caller, who showed the officers surveillance video of two individuals seen attempting to enter a unit on the 5th floor. The 911 caller advised the officers that the two individuals attempted to get into the unit for approximately 10 minutes, and that neither of the two individuals were residents of that unit. Video also showed the two individuals as trying to get into three other units.

From this surveillance video, NE#2 and NE#5 were able to get a clear description of the suspects, one of whom was a male wearing a purple UW Swimming trench coat. Complex staff were able to identify the other suspect as a resident at the complex from a different unit on the 2nd floor. After learning this information, NE#2 broadcast that there was probable cause to arrest the two individuals.

While responding to the incident location, Named Employee #6 (NE#6) had observed a male and female who matched the description of the burglary suspects, seen driving a U-Haul truck. NE#6 began following the U-Haul truck, during which time NE#2 made his broadcast regarding probable cause. In response to this broadcast, NE#6 and Named



Employee #12 (NE#12) conducted a traffic stop on the U-Haul truck, with NE#6 broadcasting that he was making the stop. NE#12 then spoke with the male detainee, who advised the officers that he had been helping the female detainee retrieve clothing from a unit.

Named Employee #7 (NE#7) responded to the scene of the traffic stop, where he spoke with the female detainee (the Complainant). The Complainant advised NE#7 that she lived on the second floor of the complex but had been staying at the 5th floor unit for a couple of days. Although the Complainant stated that she had permission to stay at the 5th floor unit, she was unable to provide the unit number and instead recited several different numbers. Named Employee #1 (NE#1), Named Employee #3 (NE#3), Named Employee #8 (NE#8), Named Employee #9 (NE#9), and Named Employee #10 (NE#10) also responded to the scene to assist with the arrest processing.

Photographs of the two detainees were transmitted to NE#2, who confirmed that the detainees matched the suspects from the complex. The Complainant and the male detainee were then placed under arrest and searched, after which point they were transported to the North Precinct for processing. During transport, the Complainant claimed that she had “power of attorney” to enter the 5th floor unit, where she had been staying with someone who she identified by both a nickname and last name.

Once at the precinct, the Complainant informed NE#12 that the officers had lied about the Complainant trying to enter other apartment units, and that the officers were trying to enhance the charges against her and the male as they were both African American. Named Employee #4 (NE#4) and Named Employee #11 (NE#11) assisted in screening the Complainant’s arrest at the North Precinct.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

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

The Complainant alleged that officers arrested her based on her 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.*)

In this case, Named Employee #2 and Named Employee #5 responded to the scene of an attempted burglary on the 5th floor a housing complex, where staff showed the officers surveillance footage of two individuals attempting to force entry into various apartment units. The footage offered a clear perspective of the two individuals, one of whom the staff members identified as the Complainant, a resident of the 2nd floor. Named Employee #7 identified two individuals who matched the description of the suspects, one of whom was the Complainant, then detained them once NE#2 advised that there was probable cause for their arrest. A photograph of the two individuals was then sent to NE#2, who confirmed that they matched the suspects from the surveillance footage. Accordingly, the arrest of both individuals was based on probable cause and not race-based bias.

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



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

Named Employee #1 - Allegation #2

15.180 - Primary Investigations 1. Officers Shall Conduct a Thorough and Complete Search for Evidence

The Complainant alleged that officers failed to fully investigate the underlying incident, leading to her arrest.

SPD Policy 15.180-POL-1 requires that, in primary investigations, officers conduct a thorough and complete search for evidence. The policy further requires officers to collect evidence and states that only evidence that it impractical to collect shall be retained by the owner. (SPD Policy 15.180-POL-1.) Such evidence should be photographed. (*Id.*)

The investigation in this case was more than sufficient to establish probable cause to arrest both the Complainant and her associate. The investigation was discussed at length above and the most relevant portions leading to probable cause to arrest the two individuals was outlined above at Named Employee #1 – Allegation #1.

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

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

Named Employee #2 - Allegation #1

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 (Expedited)**

Named Employee #2 - Allegation #2

For the same reasons as stated above (see Named Employee #1 – Allegation #2), OPA recommends that this allegation be Not Sustained – Unfounded.

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

Named Employee #3 - Allegation #1

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 (Expedited)**

Named Employee #3 - Allegation #2

For the same reasons as stated above (see Named Employee #1 – Allegation #2), OPA recommends that this allegation be Not Sustained – Unfounded.



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

Named Employee #4 - Allegation #1

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 (Expedited)**

Named Employee #4 - Allegation #2

For the same reasons as stated above (see Named Employee #1 – Allegation #2), OPA recommends that this allegation be Not Sustained – Unfounded.

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

Named Employee #5 - Allegation #1

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 (Expedited)**

Named Employee #5 - Allegation #2

For the same reasons as stated above (see Named Employee #1 – Allegation #2), OPA recommends that this allegation be Not Sustained – Unfounded.

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

Named Employee #6 - Allegation #1

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 (Expedited)**

Named Employee #6 - Allegation #2

For the same reasons as stated above (see Named Employee #1 – Allegation #2), OPA recommends that this allegation be Not Sustained – Unfounded.

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



Seattle
Office of Police
Accountability

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Named Employee #7 - Allegation #1

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 (Expedited)**

Named Employee #7 - Allegation #2

For the same reasons as stated above (see Named Employee #1 – Allegation #2), OPA recommends that this allegation be Not Sustained – Unfounded.

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

Named Employee #8 - Allegation #1

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 (Expedited)**

Named Employee #8 - Allegation #2

For the same reasons as stated above (see Named Employee #1 – Allegation #2), OPA recommends that this allegation be Not Sustained – Unfounded.

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

Named Employee #9 - Allegation #1

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 (Expedited)**

Named Employee #9 - Allegation #2

For the same reasons as stated above (see Named Employee #1 – Allegation #2), OPA recommends that this allegation be Not Sustained – Unfounded.

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



Named Employee #10 - Allegation #1

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 (Expedited)**

Named Employee #10 - Allegation #2

For the same reasons as stated above (see Named Employee #1 – Allegation #2), OPA recommends that this allegation be Not Sustained – Unfounded.

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

Named Employee #11 - Allegation #1

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 (Expedited)**

Named Employee #11 - Allegation #2

For the same reasons as stated above (see Named Employee #1 – Allegation #2), OPA recommends that this allegation be Not Sustained – Unfounded.

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

Named Employee #12 - Allegation #1

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 (Expedited)**

Named Employee #12 - Allegation #2

For the same reasons as stated above (see Named Employee #1 – Allegation #2), OPA recommends that this allegation be Not Sustained – Unfounded.

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