



CLOSED CASE SUMMARY

ISSUED DATE: APRIL 10, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0334

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.140 - Bias-Free Policing, 5.140-POL-2 Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded (Expedited)
# 2	5.001-POL-10 Employees Will Strive to be Professional	Not Sustained - Unfounded (Expedited)

Named Employee #2

Allegation(s):		Director's Findings
# 1	5.140 - Bias-Free Policing, 5.140-POL-2 Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded (Expedited)
# 2	5.001-POL-10 Employees Will Strive to be Professional	Not Sustained - Unfounded (Expedited)

Named Employee #3

Allegation(s):		Director's Findings
# 1	5.140 - Bias-Free Policing, 5.140-POL-2 Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded (Expedited)
# 2	5.001-POL-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 Employees #1, #2, and #3 (NE#1-3) discriminated against her by arresting her. The Complainant further alleged the named employees touched her inappropriately during the encounter.

ADMINISTRATIVE NOTE:

This case was designated an Expedited Investigation. That means OPA, with the Office of Inspector General's review and agreement, believed it could reach, and issue recommended findings based solely on its intake investigation without interviewing the involved employees. As such, OPA did not interview the involved employees in this case.

SUMMARY OF INVESTIGATION:

OPA reviewed related incident reports, body-worn video, and a bias review. OPA contacted the Complainant several times to schedule an interview but received no response.



A. Incident Report

NE#3 wrote the related police report. NE#1 and NE#2 were backing officers. NE#3's report described prior incidents involving the Complainant that established probable cause for her arrest. Specifically, NE#3 wrote he responded to two prior calls involving the Complainant: a September 6, 2022, assault and a September 9, 2022, harassment. The September 6th call alleged the unprovoked Complainant struck a neighbor several times with a broomstick. NE#3 attempted to contact the Complainant, who refused to open her apartment door.

On September 11, 2022, NE#3 responded to another disturbance at the Complainant's apartment complex. The caller reported the Complainant threatened Community Member #1 (CM#1) in a hallway. About four hours later, the caller called 9-1-1 again to report the Complainant was outside the apartment complex throwing rocks at people. When NE#3 wrote that when he arrived at the scene, witnesses said the Complainant entered a nearby church. NE#2 noted a witness reportedly saw the Complainant throw a rock at a woman. Additionally, NE#3 wrote there was probable cause to arrest the Complainant for the September 6th and 9th incidents.

NE#3 wrote the church wanted the Complainant removed for making racist statements about an Asian church member. NE#3 wrote officers planned to arrest the Complainant as she left the church. NE#3 wrote as the Complainant exited, NE#2 identified himself and told the Complainant she was under arrest for harassment. NE#3 wrote the Complainant was "upset" and yelled at bystanders she was being arrested because of her skin color. NE#3 wrote he tried to issue *Miranda* warnings, but the Complainant overtalked him. NE#3 wrote the Complainant also yelled that officers were raping her.

NE#3's report indicated the Complainant went limp and sat on the ground while escorted to a patrol vehicle. NE#3 documented the Complainant started banging her head against the ground. NE#3 wrote he grabbed her left arm to stop her. NE#3 wrote after the Complainant was placed into a cruiser, she alleged biased policing.

NE#3 also documented CM#1's account. CM#1 reported the Complainant came to her apartment and threatened to kill her and her unborn child for assisting child protective services (CPS) workers during the September 6th incident. Then, CM#1 allowed CPS workers into her apartment to escape the Complainant's allegedly assaultive behavior.

B. Unsubstantiated Misconduct Screening Summary & Supervisor's Bias Review

Witness Supervisor #1 (WS#1) reviewed the Complainant's arrest and sent OPA an unsubstantiated misconduct screening request.¹

WS#1 wrote he responded to the incident location to review the Complainant's bias allegations. WS#1 wrote he interviewed the Complainant, who repeatedly referenced police and hospitals in Seattle and Ohio. WS#1 wrote he

¹ See OPA Internal Operations and Training Manual 8.1 – Unsubstantiated Misconduct Screening ("Allegations of misconduct that are clearly refuted by evidence can be investigated and documented by the chain of command and then screened with OPA via email.").



could not clarify those comments. WS#1 reported the Complainant also said nurses were trying to kill and have sex with her. WS#1 wrote the Complainant did not explain her allegations against the named employees.

WS#1 reviewed NE#2 and NE#3's BWV and noted:

On [NE#2's] video, [the Complainant] makes numerous comments about officers "grabbing her butt" and trying to have sex with her. I bookmarked the video where she makes these comments. They clearly did not occur. After watching the video (and bookmarking it), conducting interviews, and reading the documentation, it is clear to me that no bias policing and/or anything else nefarious occurred.

WS#1 added:

Officers have dealt with [the Complainant] numerous times. She routinely makes complaints about officers, threatens community members, makes racial comments about community members in her vicinity, and suffers from an unknown mental illness/crisis. She has recently been arrested for attempting to stab someone in her apartment building without cause.

WS#1's supervisor, Witness Supervisor #2 (WS#2), also reviewed the named employees' actions. WS#2 noted:

I have reviewed all relevant documentation... associated with this bias policing allegation. I didn't find any evidence of bias policing or misconduct by any officer involved in this arrest.

[WS#1's] investigation and documentation of this bias policing allegation was thorough and complete. He responded to the scene and debriefed the involved officers. He ensured the officers had a legal authority and a lawful purpose for the contact and arrest of the suspect.

The officers' legal authority was [that the Complainant] was contacted on the entrance /walkway of a church with the consent of cadre from the church. The lawful purpose was the officers had probable cause to arrest the [Complainant] for harassment.

C. Body-Worn Video

OPA reviewed the named employees and WS#1's BWV, which captured their interaction with the Complainant. BWV was generally consistent with their written statements.

NE#2's BWV depicted the Complainant exiting the church and contacting the officers. NE#1 and NE#2 handcuffed her. The Complainant shouted, "This is discrimination. They're trying to kill me." The Complainant shouted, "They're trying to kill Brown people," and "Discrimination, corruption, harassment, gun violence." The Complainant also accused the named employees of trying to rob and kill her. Further, the Complainant stated an officer "touched my butt" and "asked me to do sex by force."



As NE#1 and NE#2 escorted the Complainant to a patrol vehicle, the Complainant went limp, fell to her knees, and bent over. NE#1 and NE#2 stood behind the Complainant, holding her arms. NE#1 and NE#2 brought the Complainant to her feet and into a patrol vehicle. The Complainant repeatedly shouted, "They're asking me to do sex."

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

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

The Complainant alleged the named employees discriminated against her by arresting her.

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. It includes different treatment based on a subject's race. See *id.*

Here, the evidence does not support the Complainant's contention. Specifically, BWV, police reports, witness accounts, officer statements, and chain of command reviews refute the accusation. BWV captured no officer doing or saying anything to suggest the Complainant was treated differently based on discernible characteristics. Although the Complainant stated her arrest was discriminatory, NE#3 documented there was probable cause for her arrest based on the September 6th and 9th reports.

Accordingly, OPA recommends this allegation be Not Sustained - Unfounded (Expedited).

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

Named Employee #1 - Allegation #2

5.001-POL-10 Employees Will Strive to be Professional

The Complainant alleged the named employees touched her inappropriately during her arrest.

Employees must "strive to be professional." SPD Policy 5.001-POL-10. Further, "employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers." *Id.*

OPA reviewed the named employees' BWV. No officer was observed touching the Complainant inappropriately.

Accordingly, OPA recommends this allegation be Not Sustained - Unfounded (Expedited).

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

Named Employee #2 - Allegation #1

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

For the reasons at Named Employee #1 - Allegation #1, OPA recommends this allegation be Not Sustained - Unfounded (Expedited).



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

Named Employee #2 - Allegation #2

5.001-POL-10 Employees Will Strive to be Professional

For the reasons at Named Employee #1 - Allegation #2, OPA recommends this allegation be Not Sustained - Unfounded (Expedited).

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

Named Employee #3 - Allegation #1

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

For the reasons at Named Employee #1 - Allegation #1, OPA recommends this allegation be Not Sustained - Unfounded (Expedited).

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

Named Employee #3 - Allegation #2

5.001-POL-10 Employees Will Strive to be Professional

For the reasons at Named Employee #1 - Allegation #2, OPA recommends this allegation be Not Sustained - Unfounded (Expedited).

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