



CLOSED CASE SUMMARY

ISSUED DATE: APRIL 15, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0340

Allegations of Misconduct & Director's Findings

Named Employee #1

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

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:

An anonymous Complainant alleged Named Employee #1 (NE#1) was unprofessional and expressed racial bias.

SUMMARY OF INVESTIGATION:

On October 17, 2022, Witness Supervisor #1 (WS#1)—an SPD supervisor—filed an OPA complaint on an anonymous Complainant's behalf. WS#1 wrote various department employees worked the Puget Sound Heart and Stroke Walk/Run event on October 8, 2022. WS#1 wrote he was dispatched for a bias complaint. WS#1 documented calling the Complainant, who only provided her first name. WS#1 noted that the Complainant later called back to report that she asked NE#1—a parking enforcement officer—what was happening and when the event ended. The Complainant alleged NE#1 replied, "It's like stupid Black people asking stupid kinds of questions."

OPA opened an investigation. The Complainant told OPA she had nothing to add and declined further contact about the complaint.

On January 10, 2023, OPA interviewed NE#1. NE#1 said he directed traffic for the walk/run event. NE#1 recalled several people asking about the event. NE#1 denied making the alleged statement or any offensive statement. NE#1 did not remember a negative interaction with a community member.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

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

The Complainant alleged NE#1 was unprofessional.



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.* Moreover, “Any time employees represent the Department or identify themselves as police officers or Department employees, they will not use...any language derogatory, contemptuous, or disrespectful toward any person.” *Id.*

Here, there is insufficient evidence NE#1 made the alleged comment. Had evidence established NE#1 more likely than not made the alleged comment (“It’s like stupid Black people asking stupid kinds of questions.”) the department’s professionalism and bias-based policing policies would have been violated.

However, an uncorroborated anonymous complaint is the only evidence supporting the allegation. NE#1 denied making an offensive comment, the Complainant declined an OPA interview, there were no apparent witnesses, and parking enforcement officers are unequipped with body-worn video, so there is insufficient evidence NE#1 remarked as alleged.

Accordingly, OPA recommends this allegation be Not Sustained – Inconclusive.

Recommended Finding: **Not Sustained - Inconclusive**

Named Employee #1 - Allegation #2

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

The Complainant alleged NE#1 engaged in bias-based policing.

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. That includes different treatment based on a subject’s race. *See id.* Additionally, employees are forbidden from expressing “any prejudice or derogatory comments concerning discernible personal characteristics.” *Id.*

For the reasons at Named Employee #1 - Allegation #1, OPA recommends this allegation be Not Sustained – Inconclusive.

Recommended Finding: **Not Sustained - Inconclusive**