



CLOSED CASE SUMMARY

ISSUED DATE: AUGUST 12, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2023OPA-0092

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.140-POL - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded (Expedited)

Named Employee #2

Allegation(s):		Director's Findings
# 1	5.140-POL - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded (Expedited)

Named Employee #3

Allegation(s):		Director's Findings
# 1	5.140-POL - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded (Expedited)

Named Employee #4

Allegation(s):		Director's Findings
# 1	5.140-POL - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded (Expedited)

Named Employee #5

Allegation(s):		Director's Findings
# 1	5.140-POL - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing	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), Named Employee #2 (NE#2), Named Employee #3 (NE#3), Named Employee #4 (NE#4), and Named Employee #5 (NE#5) were racist and arrested him due to his race during their response to a domestic violence (DV) call.



ADMINISTRATIVE NOTE:

This case was approved for Expedited Investigation. That means OPA, with the Office of Inspector General's (OIG) agreement, believed it could 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.

Additionally, on April 3, 2023, OIG certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

During its investigation, OPA reviewed the OPA complaint, incident report, and body-worn videos (BWVs). OPA also requested an interview with the Complainant, but the Complainant declined due to an ongoing criminal proceeding.

A. OPA Complaint

NE#1—a sergeant—submitted an OPA complaint via Blue Team on behalf of the Complainant. The complaint described two related incidents. In the first incident, officers were dispatched to a DV disturbance call involving the Complainant and Community Member #1 (CM#1)—the Complainant's girlfriend—who lived together. Officers arrived, interviewed the couple, saw the couple's apartment, and determined there was no probable cause for an arrest. The Complainant was agitated by the decision and insisted that officers only arrest men. Officers left the scene. In the second incident, the Complainant and CM#1 called 9-1-1 shortly after the officers' initial visit and said the disturbance resumed. Officers returned and determined there was probable cause to arrest the Complainant for assaulting CM#1. The Complainant was transported to the King County Jail. During the transport, the Complainant said officers arrested him due to his race.

B. Incident Report

NE#2 wrote an incident report documenting both incidents. NE#1 documented the first incident as follows:

On February 12, 2023, at 10:49 PM, officers were dispatched to an apartment for a report of a "female with a knife." Upon officers' arrival, the Complainant said CM#1 "trashed" his apartment, broke his TV, and chased him with a knife. NE#2 described the apartment as untidy, which could have been due to a lack of housekeeping or neglect. NE#2 also saw a knife on the kitchen floor but attributed it to the apartment's "overall untidiness." NE#2 believed the Complainant was "highly agitated, intoxicated, and possibly in crisis." Officers found CM#1 with her two children outside the apartment building. CM#1 said the Complainant was highly agitated and started an argument, so she and her children left the apartment. CM#1 denied brandishing a knife, which her children corroborated. Officers found CM#1's account more convincing than the Complainant's. The Complainant was upset that officers did not arrest CM#1 and asked to speak with a supervisor. NE#1 told the Complainant they lacked sufficient evidence to arrest anyone before the officers left.

NE#2 documented the second incident as follows:

The Complainant repeatedly called 9-1-1 and swore at 9-1-1 operators. CM#1 also called 9-1-1 and reported that the Complainant followed CM#1 and her children as they attempted to leave the area. CM#1 also reported that the Complainant took her son's phone. The named employees returned to the scene.



CM#2 said she and her children walked to a nearby bus stop to leave the area, but the Complainant followed and harassed them. CM#2 said her son—Community Member #2 (CM#2)—dropped his cell phone, and the Complainant ran up and picked it up. CM#1 said the Complainant refused to return the phone and said the phone belonged to him. CM#1 said the Complainant threw a Budweiser can at her, causing the liquid to strike CM#1's face. NE#2 spoke with CM#2, who was with his sibling but away from CM#1 and the Complainant. CM#2 and his sibling corroborated CM#1's account. Officers arrested the Complainant for DV assault in the 4th degree. NE#2 searched the Complainant and recovered an unopened Budweiser can from his pocket. Officers transported the Complainant to King County Jail.

C. Body-Worn Videos (BWVs)

OPA reviewed NE#1's, NE#2's, NE#3's, and NE#5's BWV, which were materially consistent with NE#2's incident report.

Additionally, BWV showed:

CM#1 alleged that the Complainant "pushed" CM#2 before picking up CM#2's phone. NE#1 believed there was probable cause to arrest the Complainant for assault for pushing CM#2 and throwing beer at CM#1.

Before the Complainant's arrest and during the officers' investigation, the Complainant accused officers of favoring CM#1 because CM#1 was "a lady." The Complainant said, "Y'all trying to charge me for something. Y'all want to take my Black ass to jail." After the Complainant's arrest, NE#1 attempted to screen the arrest, but the Complainant repeatedly shouted, "Fuck you and fuck what you're talking about!" Throughout the transport, the Complainant repeatedly called NE#3 and NE#4 "motherfuckers." The Complainant also said he was arrested because he is a Black man. NE#3 and NE#4 did not engage the Complainant during the transport. As they neared the King County Jail, NE#3 asked the Complainant if he would cooperate at the jail. The Complainant responded, "Shut the fuck up, bitch. Shut your bitch ass up," and called NE#3 a "redneck" and "white boy." NE#3 did not respond.

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 NE#1 arrested the Complainant due to his race.

SPD 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 treatments based on the race of the subject. *See id.*

Here, OPA cannot conclude that NE#1, or any other named employee, engaged in biased-based policing. OPA found that the named employees handled the situation calmly and professionally. At no point did NE#1, or any other named employee, mention the Complainant's race. Moreover, there is no corroborating evidence suggesting that the named employees arrested the Complainant because he is Black or a man in a DV dispute. The named employees arrested the Complainant because they had probable cause that he assaulted CM#2 with a push and struck CM#1's face with a beer can. Eyewitnesses corroborated those claims.



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

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

Named Employee #2 - Allegation #1

5.140-POL - Bias-Free Policing 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 #1

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

The Complainant alleged that NE#3 arrested the Complainant due to his race.

Here, OPA cannot conclude that NE#3 or NE#4 engaged in biased-based policing based on the Complainant's race. OPA observed the Complainant's transport to the King County Jail. NE#3 and NE#4 did not engage the Complainant when the Complainant repeatedly swore at them. NE#3 and NE#4 remained silent for most of the ride. When NE#3 or NE#4 asked the Complainant a question, the Complainant swore in response. OPA finds NE#3 and NE#4 acted professionally and did not treat the Complainant differently based on his race.

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

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

Named Employee #4 - Allegation #1

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

For the reasons at Named Employee #3 – Allegation #1, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

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

Named Employee #5 – Allegation #1

5.140-POL - Bias-Free Policing 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)**