

Issued Date: JANUARY 24, 2024

From: Director Gino Betts, Office of Police Accountability



Case Number: 2023OPA-0332

Allegations of Misconduct & Director's Findings

Named Employee #1

1. **Allegation #1:** 5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing
 - a. **Finding:** 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), an SPD Bias Crimes Unit (BCU) detective, was antisemitic for failing to contact him about hate crimes perpetrated against him.

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 named employee. As such, OPA did not interview the named employee in this case.

On August 29, 2023, the OIG certified OPA's investigation as thorough, timely, and objective.

Summary of the Investigation:

On July 28, 2023, the Complainant emailed OPA, writing, among other things, that NE#1 was antisemitic for failing to reply to multiple attempted contacts about hate crimes committed against him.

OPA investigated the complaint, reviewing police reports and email correspondence with the Complainant.

OPA located dozens of police reports associated with the Complainant. None were written by NE#1, indicating that NE#1 did not review any case for possible referral to the Seattle City Attorney's Office or King County Prosecuting Attorney's Office. Six reports concerned bias. BCU reviewed five incidents involving the Complainant the prior year, but none warranted further investigation.

OPA reviewed NE#1's emails concerning the Complainant from August 20, 2022, to August 20, 2023. NE#1 participated in BCU's intake process. Emails between BCU's research and evaluation assistant and NE#1 indicated that contacts from the Complainant, a frequent caller, did not require follow-up. The assistant noted that the Complainant was a "crisis caller" who arrogated significant time and resources.

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 that NE#1 engaged in bias-based policing.

Biased policing means "the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws as well as other discernible personal characteristics of an individual." SPD Policy 5.140-POL. It includes different treatments based on race. See *id.* Officers are forbidden from making decisions or taking actions influenced by bias and expressing prejudice or derogatory comments concerning personal characteristics. See SPD Policy 5.140-POL-2.

Here, the Complainant alleged that NE#1 was antisemitic for failing to contact him about hate crimes committed against him. Email records indicated that NE#1 reviewed BCU-assigned cases during the intake process and determined none of the Complainant's cases warranted further investigation. Additionally, emails between BCU's research and evaluation assistant and NE#1 indicated that NE#1 did not need to follow up on the Complainant's cases. NE#1's investigatory decisions were likely based on the merits of each case. There is no evidence to suggest that NE#1 was antisemitic.

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

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