



CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 30, 2025

FROM: INTERIM DIRECTOR BONNIE GLENN
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0323

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 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional	Not Sustained - Unfounded (Expedited)
# 3	15.180 – Primary Investigations, 15.180-POL-1. Officers Shall Conduct a Thorough and Complete Search for Evidence	Not Sustained - Lawful and Proper (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:

Named Employee #1 (NE#1) responded to a collision incident and subsequently cited the Complainant. The Complainant alleged that NE#1 exhibited bias against him due to his sexual orientation, acted unprofessionally, and conducted an unthorough investigation.

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 September 16, 2024, OIG certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

OPA investigated the OPA complaint by reviewing the computer-aided dispatch (CAD) call report, body-worn video (BWV), police traffic collision report (PTCR), Seattle Fire Department (SFD) patient care record, and photographs. OPA also interviewed the Complainant.

On January 20, 2024, CAD call remarks noted a collision involving a scooter and car.¹ Weather conditions were dark and wet. BWV captured NE#1 responding to the incident location and interviewing the Complainant, the operator of a Segway scooter, and Community Member #1 (CM#1), the driver of the car. Their consistent accounts indicated that

¹ CAD Remarks, "Scooter versus veh[icle], veh[icle] still on scene, screening fire".



the Complainant was riding on the sidewalk traveling westbound on East Harrison Street and proceeded to cross an unmarked crosswalk when CM#1 turned right, resulting in the Complainant colliding into the passenger's side of CM#1's car. CM#1 reported that he did not see the Complainant before turning. The Complainant reported to NE#1 that his domestic partner was riding alongside his domestic partner when questioned about any witnesses to the collision. The Complainant reported he felt that NE#1 appeared to act "weird," but was unsure if that was related to his sexual orientation.

NE#1 requested SFD to assess the Complainant. NE#1 also evaluated the Complainant and CM#1 for signs of impairment, gathered their personal information, photographed CM#1's car and the Complainant's scooter, distributed business cards, and informed them that he would consult with a supervisor regarding fault and would get back to them by phone. The parties were then permitted to leave the scene.

NE#1 documented the incident in a PTCR, noting that he cited the Complainant for violating Seattle Municipal Code (SMC) 11.44.100.²

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 exhibited bias based on sexual orientation.

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 treatment based on sexual orientation. *See id.* Officers are forbidden from making decisions or taking actions influenced by bias and expressing prejudice or derogatory comments concerning discernible personal characteristics. *See* SPD Policy 5.140-POL-2.

OPA found no evidence showing NE#1 treating the Complainant differently based on sexual orientation. BWV showed NE#1 treating both parties equally. He interviewed them separately, evaluated them for impairment, photographed their car and scooter, and provided them with business cards. NE#1 also requested SFD on the Complainant's behalf. NE#1 declined to cite either party at the time and communicated his need to further investigate the collision and consult with a supervisor. Overall, there was no evidence supporting the Complainant's claim of mistreatment based on sexual orientation.

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

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

² SMC 11.44.100 states, in part, "No person operating a bicycle shall suddenly enter a crosswalk into the path of a vehicle which is so close that the driver cannot yield safely." *See also* SMC 11.46.020(F) (providing that operators of electric motorized foot scooters "shall have the same rights and duties as operators of bicycles when upon any portion of a highway").



Named Employee #1 – Allegation #2

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

The Complainant alleged that NE#1 was unprofessional.

SPD 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,” whether on or off duty. *Id.*

OPA found no evidence showing NE#1 acting unprofessionally throughout his interaction with the Complainant. During his interview with OPA, the Complainant could not identify specific words or conduct demonstrating unprofessional conduct. Instead, BWV showed NE#1 treating the involved parties respectfully and professionally.

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

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

Named Employee #1 – Allegation #3

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

The Complainant alleged that NE#1 conducted an unthorough investigation.

In primary investigations, officers must conduct a thorough and complete search for evidence. SPD Policy 15.180-POL-1. Sworn personnel must know how to collect the most common physical evidence that might be encountered in a primary investigation. *Id.* Only evidence impractical to collect or submit to the Evidence Unit shall be retained by the owner. *Id.* Officers shall photograph all evidence retained by the owner. *Id.*

NE#1’s investigation involved interviewing both parties, evaluating them for signs of impairment, photographing CM#1’s car and the Complainant’s scooter, and consulting with a backing officer and a supervisor. NE#1 documented the incident in a PTCR, which was also thorough and consistent with BWV observations. Overall, NE#1’s investigation demonstrated thoroughness.

Accordingly, OPA recommends this allegation be Not Sustained – Lawful and Proper (Expedited).

Recommended Finding: **Not Sustained – Lawful and Proper (Expedited)**