




CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 5, 2025

FROM: INTERIM DIRECTOR BONNIE GLENN
OFFICE OF POLICE ACCOUNTABILITY 

CASE NUMBER: 2024OPA-0376

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)

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)

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)

Named Employee #4

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)

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) through Named Employee #4 (NE#4) responded to a property destruction call involving the Complainant and her neighbor, Community Member #1 (CM#1). CM#1 reportedly tried to kick down the Complainant's door and threatened her. The named employees requested a charge by officer for property destruction against CM#1.¹ The Complainant alleged that the named employees engaged in bias-based policing by declining to arrest CM#1.

¹ SPD's Charge-By-Officer program allows officers, upon developing probable cause, to refer eligible misdemeanor investigations to the Seattle City Attorney's Office rather than booking suspects into jail. See SPD Policy 15.020.



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

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

SUMMARY OF INVESTIGATION:

On September 14, 2024, the Complainant left OPA a voicemail, alleging that CM#1 had threatened her and caused three holes in her door. The Complainant also alleged that the police failed to act due to her race, specifically her being Black. She contended that had she been white, the police would have arrested CM#1. On September 18, 2024, OPA interviewed the Complainant, whose statements mirrored her voicemail complaint.

OPA investigated the complaint by reviewing the computer-aided dispatch (CAD) call report, body-worn video (BWV), 911 call audio, incident report, and chain-of-command bias review reports.

On June 25, 2024, at 3:38 PM, CAD call remarks noted, "[REPORTING PARTY ADVISES] RESIDENT [...] WAS TRYING TO KICK HER DOOR DOWN, SUSP[ECT] POSS[IBLY] HIGH, UNK[NOWN] [WEAPONS]."

BWV captured the named employees entering an apartment courtyard and contacting CM#1, who was accompanied by his leashed dog. CM#1 said the Complainant had been persistently knocking on his door and leaving notes, prompting him to contact her. He said the Complainant tried to shut her door on his foot, which led him to strike her door with a bat. NE#1 and NE#2 proceeded to approach the Complainant, while NE#3 and NE#4 remained with CM#1 in the courtyard. CM#1 told NE#3 and NE#4 that he hit the Complainant's door with a bat due to her continuous note-leaving. He clarified that he possessed the bat solely for hitting balls for his dog. He admitted to telling her, "If I catch you putting notes on my door, I don't know what might happen because you keep fucking with me." However, he denied threatening to take her life.

BWV captured NE#1 and NE#2 interacting with the Complainant outside her apartment door, which exhibited marks and dents. She said she had spent \$25 on CM#1's dog and had left notes on CM#1's door requesting reimbursement. She alleged that CM#1 approached her door, tried to kick it down, and threatened her by saying he would stick his foot in her ass and take her life. She requested his arrest. She claimed that if she were white and CM#1 were Black, officers would have arrested him. NE#1 told her they could not arrest CM#1 for misdemeanor level damage. Subsequently, NE#1 and NE#2 returned to NE#3 and NE#4 in the courtyard.

BWV captured a discussion among the named employees. Following their deliberation, they decided to recommend a misdemeanor charge for property destruction against CM#1. NE#1 informed CM#1 of this decision. A sergeant informed the Complainant that officers were unable to book CM#1 for misdemeanor property destruction but could initiate a non-custodial arrest process by recommending charges to the prosecuting attorney's office.

NE#2's incident report was consistent with BWV observations. A lieutenant who reviewed the incident noted:



Based off the available information, I was able to objectively determine that the officers' decision to not arrest and book the suspect was based solely on their knowledge that the King County Jail would not accept a booking for the misdemeanor crime of Property Destruction, which the officers had developed Probable Cause for. Furthermore, officers were unable to develop probable cause to arrest for the alleged threats against the subject.

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 the named employees engaged in bias-based policing by declining to arrest CM#1.

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 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.

The Complainant believed that had she been white and CM#1 been Black, the named employees would have arrested him. However, the named employees had a valid reason for declining to arrest CM#1. Specifically, the King County Jail would not have processed a booking for misdemeanor property destruction. CM#1 would have faced the same consequences irrespective of whether he was arrested at the scene or subjected to the Charge-By-Officer program. The named employees also lacked probable cause to arrest CM#1 for the alleged threats, as there were conflicting accounts regarding his statements. Ultimately, OPA found no evidence indicating that the named employees treated the Complainant differently due to her race.

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 #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 #4 – 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)**