



## OFFICE OF POLICE ACCOUNTABILITY

### Closed Case Summary

Complaint Number 2017OPA-0397

Issued Date: 10/30/2017

| Named Employee #1 |   |
|-------------------|---|
| Allegation #1     | <u>Seattle Police Department Manual</u> 5.140 (2) Bias-Free Policing: Officers Will Not Engage in Bias Based Policing (Policy that was issued August 1, 2015) |
| OPA Finding       | <b>Not Sustained</b> (Unfounded)  |
| Final Discipline  | N/A   |

| Named Employee #2 |   |
|-------------------|---|
| Allegation #1     | <u>Seattle Police Department Manual</u> 5.140 (2) Bias-Free Policing: Officers Will Not Engage in Bias Based Policing (Policy that was issued August 1, 2015) |
| OPA Finding       | <b>Not Sustained</b> (Unfounded)  |
| Final Discipline  | N/A   |

|                          |   |
|--------------------------|---|
| <b>Named Employee #3</b> |   |
| Allegation #1            | <u>Seattle Police Department Manual 5.140 (2) Bias-Free Policing: Officers Will Not Engage in Bias Based Policing</u> (Policy that was issued August 1, 2015) |
| OPA Finding              | <b>Not Sustained</b> (Unfounded)  |
| Final Discipline         | N/A   |

|                          |   |
|--------------------------|---|
| <b>Named Employee #4</b> |   |
| Allegation #1            | <u>Seattle Police Department Manual 5.140 (2) Bias-Free Policing: Officers Will Not Engage in Bias Based Policing</u> (Policy that was issued August 1, 2015) |
| OPA Finding              | <b>Not Sustained</b> (Unfounded)  |
| Final Discipline         | N/A   |

**INCIDENT SYNOPSIS**

The Named Employees responded to a report of a vehicle collision.

**COMPLAINT**

The complainant alleged that the Named Employees engaged in biased policing based on the complainant’s race.

**INVESTIGATION**

The OPA investigation included the following actions:

1. Review of the complaint memo
2. Search for and review of all relevant records and other evidence
3. Review of In-Car Video (ICV)
4. Interviews of SPD employees

**ANALYSIS AND CONCLUSION**

On the date in question, the complainant alleged that he had been arrested based on his race. Specifically, the complainant made the following claims: while in the patrol car awaiting transport to the precinct, the complainant stated that his only crime “is being melanin”; during his transport

to the precinct, the complainant said, "I'm in handcuffs because I'm Black"; and when his bias complaint was screened by Named Employee #4, the complainant asserted that he was only under arrest because of his race. (See Original Case Summary.) The complainant later called OPA and left a message making the same allegations of biased policing. (See Intake Follow-Up.) OPA then conducted a recorded interview with the complainant during which he again articulated these claims. (See Complainant OPA Interview.)

Notably, in his communications with OPA, the complainant also made a number of other statements, including that his wife was biased against him for financial reasons and that the vial of green liquid found on his person at the time of his arrest was "Muslim oil." (See Intake Follow-Up; see also Complainant OPA Interview.) From a review of ICV, the complainant engaged in a long diatribe, much of which was scattered and confusing to follow. (See NE#1 Front ICV.) The complainant's statements, coupled with the fact that his wife called 911 dispatchers and disclosed that the complainant was suffering from mental illness and had been refusing treatment (see Intake Follow-Up), suggested that the complainant may have been in crisis during and in the immediate aftermath of the incident.

In their recounting of the incident, the Named Employees reported that they responded to a report of a collision between two vehicles. One of the individuals involved in the collision reported that the complainant, who was the other involved driver, had been driving erratically prior to the crash and was continuing to behave in a disturbing and escalating manner afterwards. When the officers arrived, the complainant was stating, "Black Gangster Disciples" and "Pirus" repeatedly. Named Employee #1 spoke to the complainant's wife who indicated her belief that the complainant was, at that time, an imminent risk of harm to himself and others.

During their investigation, the officers determined that the complainant was potentially at fault in the collision. The officers further determined that the complainant was possibly under the influence of drugs and/or alcohol. Accordingly, Named Employee #1 sought and obtained a warrant to draw the complainant's blood. The complainant was handcuffed and placed into Named Employee #1's patrol vehicle. At that point, the complainant made his initial allegations of biased policing. The complainant was then transported to the precinct where he was interviewed by Named Employee #4. As discussed above, the complainant made additional allegations of bias at that time.

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.) This includes different treatment based on the race of the subject. (See id.)

At his OPA interview, Named Employee #1 stated that once he heard the complainant make a complaint of bias, he reported it to a supervisor. (NE#1 OPA Interview, at p. 8.) Named Employee #1 stated that he did not treat the complainant disparately based on his race. (Id. at pp. 8-10.) Based on the objective evidence of this case and on the complainant's demeanor

and the tenor and content of his statements, the OPA Director found that there was no basis to conclude that Named Employee #1 engaged in biased policing.

Named Employee #2 indicated to OPA that the complainant's race had no bearing on how he was treated by the officers. (NE#2 OPA Interview, at p. 5.) The OPA Director found no evidence in the record disproving this assertion.

Named Employee #3 reported hearing the complainant make allegations of biased policing and stated that he reported this to Named Employee #4. (NE#3 OPA Interview, at p. 6.) Named Employee #3 noted that he did not take any law enforcement action based on the complainant's race or on any other protected characteristic. (Id.) Named Employee #3 further indicated that he did not view any other officer engage in biased policing towards the complainant. (Id. at p. 7.)

While Named Employee #4 did not hear the complainant's initial allegations of biased policing, he interviewed the complainant at the precinct and the complainant reiterated his belief that he was treated disparately based on his race. (See NE#4 OPA Interview.) Named Employee #4 reported that, based on the complainant's allegations, he conducted an investigation into whether bias policing occurred. (See id. at pp. 6-7.) This included reviewing ICV. (Id.) Named Employee #4 did not find any evidence of bias. (See id.) As explained above, the OPA Director agreed. The OPA Director also found that there was no evidence that Named Employee #4, himself, engaged in biased policing.

## **FINDINGS**

### **Named Employees #1, #2, #3, and #4**

#### **Allegation #1**

There was no evidence that the Named Employees engaged in biased policing. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Bias-Free Policing: Officers Will Not Engage in Bias Based Policing*.

*NOTE: The Seattle Police Department Manual policies cited for the allegation(s) made for this OPA Investigation are policies that were in effect during the time of the incident. The issued date of the policy is listed.*