



## OFFICE OF POLICE ACCOUNTABILITY

### Closed Case Summary

Complaint Number 2017OPA-0682

Issued Date: 10/06/2017

Named Employees #1, #2, and #3	
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

#### **INCIDENT SYNOPSIS**

The Named Employees responded to a call of a potential burglary and arrested the complainant.

#### **COMPLAINT**

The complainant alleged that the Named Employees violated the bias policing policy of the Department.

#### **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)

## **ANALYSIS AND CONCLUSION**

On the date in question, the Named Employees responded to a call of a potential burglary. The caller was the owner of a rental property. While checking that property, the caller observed an individual that he did not know, later identified as the complainant, removing a washing machine from the garage. The caller also observed other pieces of his personal property strewn throughout the lawn.

When the Named Employees responded to the location, the complainant was still present at the property. Named Employee #2 conducted an investigation, which included identifying that a lock on the property was broken, determining that it was likely broken by pliers, and locating pliers on the complainant's person. Named Employee #2 also located a ladder, which he believed had been utilized to access the balcony of the residence. Named Employee #2 photographed the broken lock and the pliers. Named Employee #2 further interviewed the caller, the complainant, and a female who was with the complainant. The complainant indicated that another woman had been on the scene and had informed him that the items on the property were free. This unidentified woman was not located. The female with the complainant stated that there had been an ad on "Offer-Up" concerning the property. A search for that ad yielded negative results. The complainant further provided a false identification to the officers. At that point, and based on the results of his investigation, Named Employee #2 made the decision to place the complainant under arrest.

After he was placed under arrest, the complainant alleged that the officers had acted with bias. Consistent with policy, the officers notified a sergeant to come to the scene to screen the complaint of bias in person. A sergeant responded to the scene and interviewed the complainant regarding his allegation. During that interview, the complainant indicated that the officers failed to listen to his side of the story. At the conclusion of this interview, the complainant told the sergeant that he wanted his allegation of bias to be referred to OPA. The sergeant subsequently initiated this complaint.

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." (Manual Policy 5.140.) This includes different treatment based on the race of the subject. (See id.)

From a review of the documents relating to this case and the officers' in car video, there was no evidence of bias on the part of any of the Named Employees. There was abundant probable cause supporting the complainant's arrest based on the evidence collected and observed during Named Employee #2's thorough investigation. Notably, OPA attempted to interview the complainant on several occasions but was unsuccessful.

## **FINDINGS**

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

#### Allegation #1

There was no evidence of bias on the part of any of the Named Employees. 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.*