



CLOSED CASE SUMMARY

ISSUED DATE: DECEMBER 13, 2018

CASE NUMBER: 2018OPA-0960

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.140 - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing	Not Sustained (Unfounded)

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 he was subjected to biased policing by the Named Employee.

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the OPA Auditor’s review and approval, believed that it could reach and issue recommended findings based solely on its intake investigation and without interviewing the Named Employee. As such, the Named Employee was not interviewed as part of this case.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

5.140 - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing

The Complainant was inside of a RV when he was contacted by Named Employee #1 (NE#1). During their subsequent conversation, the Complainant informed NE#1 that he had an active warrant. The Complainant was then placed under arrest. The arrest was screened by a Sergeant. During that initial screening, the Complainant did not allege that he had been subjected to biased policing. NE#1 then transported the Complainant to the King County Jail. At some point during that transport, the Complainant alleged that his arrest was based on his race. Pursuant to policy, NE#1 called a supervisor to the scene. The Sergeant again spoke with the Complainant and the Complainant reiterated his allegation of bias. The Complainant further asked that this matter be referred to OPA. The Sergeant made an OPA referral and this investigation ensued.

During its investigation, OPA attempted to interview the Complainant through his attorney. However, the Complainant’s attorney failed to make the Complainant available for that interview.

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.*)

The Complainant’s initial contact with NE#1, his arrest, and his later conversations with both NE#1 and the Sergeant were captured on Body Worn Video (BWV). The BWV establishes that there was a lawful basis for the initial detention. It further establishes that the Complainant did, in fact, admit that he had an open warrant. This provided NE#1 with probable cause to place him under arrest.

The BWV shows no evidence of biased policing on NE#1’s part. Indeed, to the contrary, it shows that he behaved lawfully and appropriately during this incident. As such, I recommend that this allegation be Not Sustained – Unfounded.

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