



OFFICE OF POLICE ACCOUNTABILITY

Closed Case Summary

Complaint Number 2017OPA-0419

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	Not Sustained (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	Not Sustained (Unfounded)
Final Discipline	N/A

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

INCIDENT SYNOPSIS

The Named Employees arrested the complainant.

COMPLAINT

The complainant alleged that the Named Employees were biased as to her race and gender when they investigated an incident and arrested her.

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, Named Employee #1 and Named Employee #2 were dispatched as the primary officers to a call concerning an assault. Named Employee #3 also responded as a secondary officer. At the scene, the Named Employees were informed that two men had been assaulted by two other individuals, a man and a woman. The woman, who was later learned to have been the complainant, was alleged to have thrown a water bottle at one of men's head, attempted to strike both men, and sprayed both men with pepper spray. The woman was being held down at the scene at the time the officers arrived.

During their investigation, the Named Employees interviewed both men that had alleged the assault, as well as the complainant. The complainant was uncooperative and was aggressive towards the officers. The officers also interviewed an uninvolved witness who corroborated the account of the male victims. At that point, the Named Employees believed that they had probable cause to arrest the complainant and she was placed into handcuffs.

While being transported from the scene of arrest to the precinct, the complainant alleged that she had been arrested based on her race and gender. (NE#1 and NE#2 Rear ICV.) Notably, at that time, the complainant, herself, made racially derogatory comments, calling Named Employee #2 a “wetback.” (Id.)

At his OPA interview, Named Employee #1 stated that he was surprised by the complainant’s allegation of biased policing. (NE#1 OPA Interview, at p. 4.) He told OPA that he did not engage in any bias and did not observe any other officer take law enforcement action against the complainant that was based on bias. (Id.) Named Employee #1 noted that he heard no racially derogatory terms used towards the complainant and that the only such terms used during the entirety of the incident were used by the complainant, herself, and were directed towards Named Employee #2. (Id. at pp. 4-5.)

Based on the record, there was no evidence that any of the Named Employees engaged in biased policing that was based on either the complainant’s race or gender. To the contrary, the Named Employees had sufficient probable cause to believe that the complainant was the primary aggressor in an assault. Accordingly, her arrest was legally justified and there was no indication that it was based on any impermissible reason.

At her OPA interview, Named Employee #2 stated that she did not take any law enforcement action towards the complainant based on the complainant’s race or gender. (NE#2 OPA Interview, at p. 4.) Named Employee #2 further stated that she did not observe any other officer do so. (Id.) Lastly, Named Employee #2 stated that she did not make or hear any derogatory statements towards the complainant, but that the complainant used derogatory terms against Named Employee #2. (Id.)

For the same reasons as discussed above, the OPA Director found that Named Employee #2 did not engage in biased policing.

Named Employee #3, like Named Employee #1 and Named Employee #2, indicated to OPA that she did not treat the complainant differently based on the complainant’s race or gender. (NE#3 OPA Interview, at p. 4.)

Moreover, the OPA Director noted that, based on OPA’s investigation, it appeared that Named Employee #3’s involvement with this case and interaction with the complainant was extremely limited.

For the same reasons as discussed above, the OPA Director found that Named Employee #3 did not engage in biased policing.

FINDINGS

Named Employees #1, #2, and #3

Allegation #1

There was no evidence that any of 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.