



CLOSED CASE SUMMARY

ISSUED DATE: OCTOBER 3, 2018

CASE NUMBER: 2018OPA-0323

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	6.010 - Arrests 1. Officers Must Have Probable Cause That a Suspect Committed a Crime in Order to Effect an Arrest	Not Sustained (Lawful and Proper)
# 2	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 falsely arrested and that, as a result, his dog was improperly seized. He also claimed that the Named Employee engaged in biased policing towards him.

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

6.010 - Arrests 1. Officers Must Have Probable Cause That a Suspect Committed a Crime in Order to Effect an Arrest

Named Employee #1 (NE#1) was flagged down by the victim of a crime. The victim stated that he and his wife had been threatened by the Complainant. He indicated that the Complainant’s dog was not on a leash and had come towards him and his wife. When the victim tried to avoid the dog, the Complainant started yelling at the victim and his wife, using profanity, slurs, and telling them to return to their “country.” The victim also reported to NE#1 that the Complainant had threatened him with a knife.

NE#1 asked the victim to ride in his patrol vehicle and help identify the Complainant. The victim was able to do so. NE#1 and another officer made contact with the Complainant, detained him, and ultimately placed him under arrest. A Leatherman tool (which had a knife) was recovered. The officers spoke to another witness who confirmed that the Complainant had used slurs towards the victim and his wife based on their perceived sexuality and religion.



After his arrest, Seattle Animal Control took custody of the Complainant's dog. When the Complainant did not pick his dog up from Seattle Animal Control, the dog was adopted out to another owner. The Complainant was charged with and later convicted of malicious harassment and assault.

The Complainant filed this complaint with OPA. He alleged that there was no basis for his arrest, that the arrest was due to NE#1's bias towards him, that his dog was inappropriately seized from him, and that he was tortured while in jail. OPA investigated the allegations concerning the Complainant's arrest, the seizure of his dog, and bias. OPA referred the allegation concerning torture in the jail to King County Sheriff's Department as claims that arise within the jail fall under their jurisdiction.

SPD Policy 6.010-POL-1 requires that officers have probable cause to believe that a suspect committed a crime when effectuating an arrest. Stated differently, where an arrest is not supported by probable cause, it violates law and Department policy.

From my review of the evidence in this case, I find that there was abundant probable cause to arrest the Complainant for malicious harassment and assault. He was identified as the perpetrator by the victim, his wife, and an uninvolved witness. Moreover, he was ultimately convicted of both crimes. Lastly, the Complainant, himself, admitted using slurs towards the victim and his wife.

As there was probable cause to arrest the Complainant, there was also a lawful basis for Seattle Animal Control to take his dog into custody. The dog was eventually adopted out to another owner because of the Complainant's failure to make the necessary arrangements.

For these reasons, I recommend that this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained (Lawful and Proper)**

Named Employee #1 - Allegation #2

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

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.*)

As discussed above, the arrest of the Complainant by NE#1 was supported by probable cause. There is no evidence whatsoever that NE#1's actions towards the Complainant were based on bias or on the Complainant's membership in any protected class. Ultimately, I deem the Complainant's allegation to be meritless.

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