



CLOSED CASE SUMMARY

ISSUED DATE: APRIL 23, 2019

CASE NUMBER: 2018OPA-1146

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)

Named Employee #2

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

Named Employee #3

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 the Named Employees subjected him to biased policing.

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 Employees. As such, the Named Employees were 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 Named Employees were dispatched to an assault in progress. A 911 caller reported that a male was assaulting a female in the lobby of a building. The 911 caller stated that the female was on the ground. The male suspect was described as: “BM, 42-43, 5-10, Medium, Shaved Head, DRK Grn Fleece JKT.” When the officers arrived at the location, they observed a male standing outside of the building who, in their opinion, matched the suspect description. An injured and unresponsive female was also located outside of the building. The officers identified both the male, who was later determined to be the Complainant in this case, and the female while they conducted their investigation into the assault. Based on a lack of eyewitnesses who could identify the Complainant as the



perpetrator, the officers were unable to develop probable cause to arrest him for assault. However, the officers determined that the Complainant had an open warrant from out of state and placed him under arrest.

At the time that the officers attempted to handcuff the Complainant, he pulled away from them and physically resisted. The officers took the Complainant down to the ground after struggling with him. When he was on the ground, the Complainant alleged that the officers had taken law enforcement action against him based on his race. The officers were able to get the Complainant under control, handcuffed him, and walked him to the transport van. When Named Employee #1 (NE#1) and Named Employee #3 (NE#3) were loading him into the transport van, the Complainant again began to physically resist, which included biting NE#1. The officers again took the Complainant down to the ground. He was subdued, loaded into the transport van, and driven from the scene.

A Department supervisor investigated the allegation of biased policing. The Complainant reiterated his claim and requested that his complaint be referred to OPA. The supervisor made the referral on the Complainant's behalf and this investigation ensued.

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.*)

Based on OPA's review of the evidence, including the Department video of this incident, there is no indication that any of the officers discriminated against or took law enforcement action towards the Complainant based on his race. To the contrary, the officers made initial contact with the Complainant because he matched the description of the suspect in an assault, was in the near vicinity of where the assault occurred, and was standing next to an injured female. Moreover, he was arrested due to the fact that he had an open warrant, not because of his membership in any protected class. As such, I find no evidence supporting the Complainant's complaint of bias policing and I recommend that this allegation be Not Sustained – Unfounded as against all of the Named Employees.

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

Named Employee #2 - Allegations #1

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

For the same reasons as stated above (*see* Named Employee #1, Allegation #1), I recommend that this allegation be Not Sustained – Unfounded.

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

Named Employee #3 - Allegations #1

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

For the same reasons as stated above (*see* Named Employee #1, Allegation #1), I recommend that this allegation be Not Sustained – Unfounded.



Seattle
Office of Police
Accountability

CLOSE CASE SUMMARY

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