



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2015-1935

Issued Date: 07/06/2016

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 01/01/15)
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 01/01/15)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

Named Employee #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 01/01/15)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employees were dispatched to a report of a domestic violence (DV) disturbance.

COMPLAINT

The complainant alleged that he was arrested by the Named Employees because of his race and religion.

INVESTIGATION

The OPA investigation included the following actions:

1. Interview of the complainant
2. Interview of the complainant
3. Review of In-Car Video (ICV)
4. Search for and review of all relevant records and other evidence
5. Interviews of SPD employees

ANALYSIS AND CONCLUSION

The complainant alleged Named Employee #1 and two other SPD officers (Named Employee #2 and Named Employee #3) arrested him based on bias against the complainant's race and religious beliefs. "You are arresting me because I am brown and Muslim," the complainant told Named Employee #1 as he was being placed under arrest. The officers were dispatched to a 911 call reporting a domestic disturbance at the complainant's house. The CAD information for the call, visible to the officers when they were dispatched and responding, stated, "Male & female arguing, sounds like someone being thrown against the wall, no weapon heard." The complainant also pointed out that the caller to 911 made a comment to the call-taker about "their cultural thing" in referring to the disturbance the caller was hearing downstairs. There is no evidence any of the three officers were aware of this remark or influenced by it in any way. At the request of the caller, the officers did not make contact with her, other than to ring her bell so she could give them access through the apartment building's security door. Upon arrival, the officers made contact with the complainant at the residence. Named Employee #1 stayed inside the apartment with his cover officer (Named Employee #2) and the complainant. At the same time, Named Employee #3 went outside with the complainant's wife to interview her. The wife had a visible injury to her face and told Named Employee #3 that the complainant had struck her. The complainant told Named Employee #1 that there had been no physical violence, only a verbal argument. All three officers observed articles of clothing and other items strewn about inside the residence as indicators there had been some sort of disturbance. Based on this evidence, Named Employee #3 made the decision to arrest the complainant for Domestic Violence Assault. Given the requirement under RCW §10.31.100(2.c) that a police officer make an arrest when there is probable cause to believe a domestic violence assault has occurred in the past four hours, Named Employee #3 had no choice, based on the totality of the

circumstances known to him at the time, other than to arrest the complainant. Named Employee #3 communicated this arrest decision to Named Employee #1 who was still inside the apartment with the complainant and Named Employee#2. Named Employee #1 then placed the complainant under arrest on behalf of Named Employee #3. The OPA investigation found no evidence to support the complainant's allegation that Named Employee #3's decision to arrest the complainant was motivated by racial and/or religious bias. Similarly, there is no evidence to suggest that Named Employee #1 took the complainant into custody based on bias of any kind. Named Employee #1 was acting at the request of the primary officer, Named Employee #3. Named Employee #2 was a cover officer on this call and did not make or participate in the decision to arrest the complainant. OPA found no evidence of bias on the part of Named Employee #2.

FINDINGS

Named Employee #1, #2 and #3

Allegation #1

There was no evidence of bias on the part 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.