



## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Closed Case Summary

Complaint Number OPA#2016-0514

Issued Date: 02/23/2017

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 16.200 (7) Interaction with Transgender Individuals: Officers Will Inform Transgender Individuals of Their Right to Express a Preference of Officer Gender for Searches (Policy that was issued January 1, 2016)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 16.200 (7) Interaction with Transgender Individuals: Officers Will Inform Transgender Individuals of Their Right to Express a Preference of Officer Gender for Searches (Policy that was issued January 1, 2016)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Final Discipline	N/A

<b>Named Employee #3</b>	
Allegation #1	<u>Seattle Police Department Manual</u> 16.200 (7) Interaction with Transgender Individuals: Officers Will Inform Transgender Individuals of Their Right to Express a Preference of Officer Gender for Searches (Policy that was issued January 1, 2016)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Final Discipline	N/A

<b>Named Employee #4</b>	
Allegation #1	<u>Seattle Police Department Manual</u> 16.200 (7) Interaction with Transgender Individuals: Officers Will Inform Transgender Individuals of Their Right to Express a Preference of Officer Gender for Searches (Policy that was issued January 1, 2016)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Final Discipline	N/A

### **INCIDENT SYNOPSIS**

The Named Employees contacted the subject.

### **COMPLAINT**

The complainant, the Force Review Unit, alleged that the Named Employees may have violated SPD Manual Section 16.200 section 7 during the search incident to arrest of a transgender female.

### **INVESTIGATION**

The OPA investigation included the following actions:

1. Review of the complaint memo
2. Review of In-Car Videos (ICV)
3. Search for and review of all relevant records and other evidence
4. Interviews of SPD employees

## **ANALYSIS AND CONCLUSION**

Named Employee #1 was a student officer at the time of this incident and was tasked with conducting a search of the subject. Named Employee #1 told OPA she was not aware the subject was transgender at the time of the search. This fact was verified through the OPA review of ICV and interviews. The requirements of 16.200(7) apply when an officer knows or reasonably should have known the individual was transgender. In this case, the evidence did not support the conclusion that Named Employee #1 knew or reasonably should have known the individual was transgender.

Named Employee #2 was a field training officer at the time of this incident. She and her student officer (Named Employee #1) were called to transport the subject who had been arrested by two bicycle officers (Named Employee #3 and Named Employee #4). Named Employee #2 tasked Named Employee #1 with conducting a search of the subject. Named Employee #2 told OPA she was not aware the subject was transgender at the time of the search. This fact was verified through the OPA review of ICV and interviews. In this case, the evidence did not support the conclusion that Named Employee #2 knew or reasonably should have known the individual was transgender.

Named Employee #3 and Named Employee #4 arrested the subject and asked for a transport patrol car. When the transport car arrived with Named Employee #1 and Named Employee #2, both of whom were female, Named Employee #3 asked the subject if there was a gender preference as to who conducted the search. The subject said something like, "I don't give a shit." Named Employees #3 and #4 told OPA they were not aware the subject was transgender at the time of the search. This fact was verified through the OPA review of ICV and interviews. In this case, the evidence did not support the conclusion that Named Employee #3 or Named Employee #4 knew or reasonably should have known the individual was transgender.

## **FINDINGS**

### **Named Employees #1, #2, #3, and #4**

#### **Allegation #1**

A preponderance of the evidence did not support the conclusion that the Named Employees knew or reasonably should have known the individual was transgender. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Interaction with Transgender Individuals: Officers Will Inform Transgender Individuals of Their Right to Express a Preference of Officer Gender for Searches.*

*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.*