



Seattle
Office of Police
Accountability

CLOSED CASE SUMMARY

ISSUED DATE: JULY 20, 2021

FROM: DIRECTOR ANDREW MYERBERG
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2021OPA-0090

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)

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 Named Employees engaged in bias-based policing by arresting him and seizing his money.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

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

The Complainant was arrested by the Named Employees on an outstanding warrant. When searched incident to arrest, the Complainant was found to be in possession of narcotics, \$215 in cash, and several stolen items, which the Named Employees confiscated as evidence. While waiting to be booked into the King County Jail, the Complainant alleged that Named Employee #1 (NE#1) was a "racist cop" because he had confiscated Complainant's \$215. The Named Employees' Sergeant interviewed the Complainant concerning his allegation. During that interview, the Complainant elaborated that he felt that both NE#1 and Named Employee #2 (NE#2) "stereotyped" him, and that he felt that his arrest and the seizure of his money was because he was Black. According to the Sergeant's notes concerning the interview, the Complainant "did not clarify in any way how he was treated differently other than he does not know any White people arrested for the same crime." However, based on the nature of the Complainant's claim, the Sergeant referred this matter to OPA, and this investigation ensued.



As part of its investigation, OPA reviewed the Body Worn Video (BWV) for this incident. OPA also twice contacted the attorney who represents the Complainant in the criminal matter underlying this incident but received no response. As such, the Complainant was not interviewed as part of this investigation.

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-POL.) This includes different treatment based on the race of the subject. (See id.)

The Named Employees’ actions during this incident were fully captured on BWV. The video established that the Named Employees were familiar with the Complainant prior to the arrest, and that they did not arrest Complainant based on a “stereotype” but, instead, did so based on their knowledge of Complainant’s outstanding warrant. During the ride to the King County Jail, NE#1 and the Complainant exchanged pleasantries regarding their encounters over the years, again confirming that the Complainant and his warrant status were known to the Named Employees.

Ultimately, the evidence clearly shows that the Complainant’s outstanding warrant, not his membership in a protected class, was the reason for his arrest. Moreover, once he was arrested, he was found in possession of narcotics and currency that was potentially the proceeds of drug activity. This, not the Complainant’s race, was the basis for the seizure of the currency. There is no indication that either of the Named Employees engaged in biased policing towards the Complainant, let alone that they did anything improper or inconsistent with policy during this incident.

For these reasons, OPA recommends that this allegation be Not Sustained – Unfounded against both 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), OPA recommends that this allegation be Not Sustained - Unfounded.

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