



CLOSED CASE SUMMARY

ISSUED DATE: OCTOBER 10, 2022

FROM: DIRECTOR GINO BETTS
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0112

Allegations of Misconduct & Director's Findings

Named Employee #1

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

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 Named Employee #1 (NE#1) engaged in bias-based policing by conducting a racially motivated detention.

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the Office of Inspector General's review and approval, believed it could reach and issue recommended findings based solely on its intake investigation and without interviewing the involved employee(s).

SUMMARY OF INVESTIGATION:

On April 13, 2022, following a Bias Review, OPA received the related complaint via Blue Team. OPA conducted an intake investigation, consisting of reviewing the complaint, BWVs, incident reports, and CAD reports. That evidence showed, on April 2, 2022, officers were dispatched to a reported armed carjacking near the intersection of NE 50th Street and 7th Avenue NE. Specifically, the caller described a Black male 20-30 years old held a gun to the driver's head with two accomplices surrounding the car. The caller lost sight of the car prior to offering its description. The caller thought she saw it again and described it as a tan Hyundai Elantra with license plate CDA3930 heading eastbound on NE 50th Street. The Named Employee (NE#1) responded and saw a vehicle consistent with the car's description and similar license plate number¹ near 50th Street and 12th Avenue NE². The car's windows were tinted, obstructing an inside view. Based on the nature of the call, officers conducted a high-risk stop. During the stop, the Complainant, the sole occupant, was removed from the vehicle's driver's seat. He appeared consistent with the dispatched descriptions of the primary offender and victim. The Complainant was detained without restraints as officers investigated. Officers did not find evidence corroborating the armed carjacking report. Officers explained the reason for the stop and gave the Complainant NE#1's business card and employee number. The Complainant requested a supervisor. A supervisor

¹ The Complainant's license plate was CBA3930, a letter off the plate provided by the caller.

² A few blocks east of the reported incident.



arrived and reiterated the reason for the stop. However, the Complainant suggested the incident was racially motivated.

OPA made several unsuccessful attempts to contact the Complainant, including calling his listed phone number twice on April 26, 2022, and again on April 27, 2022. OPA also sent mail correspondence to the Complainant's listed address, without response.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

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

The Complainant alleged NE#1 engaged in bias-based policing by conducting a racially motivated stop.

"The Seattle Police Department is committed to providing services and enforcing laws in a professional, nondiscriminatory, fair, and equitable manner." *SPD Manual 5.140*. Bias-based policing is the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws as well as other discernible personal characteristics of an individual. *Id.* Such "discernible personal characteristics" include, race, ethnicity, or color. *Id.*

Here, the overwhelming evidence suggests NE#1's actions were motivated by the information she had prior to the stop, rather than the Complainant's race. A vehicle substantially similar to the Complainant's was reportedly involved in an armed carjacking in the vicinity of the reported crime heading the same direction on the exact street reported by the caller. Further, due to the Complainant's tinted windows, it is highly unlikely NE#1 saw inside to determine his race and other "discernible personal characteristics" prior to the stop. The Complainant was detained, without handcuffs, for a limited period for officers to investigate.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded.

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