



## CLOSED CASE SUMMARY

ISSUED DATE:      OCTOBER 11, 2022

FROM:                DIRECTOR GINO BETTS  
                             OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER:     2022OPA-0116

**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)

**Named Employee #2**

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 that Named Employee #1 (NE#1) and Named Employee #2 (NE#2) engaged in bias-based policing.

**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 that it could reach and issue recommended findings based solely on its intake investigation and without interviewing the involved employees. As such, OPA did not interview the involved employees in this case.

**SUMMARY OF INVESTIGATION:**

This case was forwarded to OPA from an SPD supervisor via Blue Team. OPA opened the matter for an intake investigation.

OPA reviewed the initial complaint, CAD Call Report, the GO Incident Report, and Body Worn Video from this incident. In addition to this material, OPA interviewed two witnesses who were working at the University Target on the date and time of the incident. OPA attempted to interview the Subject by phone, but the Subject stated she would rather email her side of the story. At the time this case was submitted for expedited review, the Subject had not submitted an email to OPA.



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Based on the CAD Call data OPA ascertained the following:

At 18:01 on April 15, 2022, NE#1 and NE#2 responded to a 911 call from the Subject who was at the Target located in the University District. The dispatch notes in the CAD Call report were: "FEMALE SHOUTING THAT EMPLOYEE IS HARASSING HER & TELLING HER TO LEAVE." Following the Subject's 911 call, an employee of the store also made a 911 call about the Subject.

NE#1's and NE#2's interactions with the Subject and Target employees are captured on BWV. Accordingly, the following facts are not in dispute.

When NE#1 and NE#2 arrived at the scene, NE#1 contacted the Subject while NE#2 spoke to the store's Asset Protection Manager. During their conversation, the Subject admitted to NE#1 that she confronted the store employee.

The Asset Protection Manager informed NE#2 that the Subject had previously been asked to leave the store following a disturbance that occurred in March 2022. The Asset Protection Manager stated that despite this, the Subject had continued to shop at the store. The Asset Protection Manager requested that the Subject be trespassed from the store because the Subject had started a verbal altercation with an employee.

The Named Employees informed the Subject that she was trespassed from the University Target. The Subject was visibly upset and believed she had done nothing wrong. The Subject was initially non-compliant and refused to exit the store at the request of NE#1. Eventually the Subject complied and exited with NE#1 and NE#2. The Subject remained agitated at NE#1 and NE#2 for "taking the side" of the Target employees who trespassed her. The Subject stated that she felt discriminated against and wished to file a complaint against the Named Employees. However, the Subject departed the scene before the Named Employees could provide a business card with their identifying information and an incident number. The Named Employees in requested a supervisor to screen for a bias-based policing allegation.

OPA interviewed the store's manager and asset protection manager. Their statements were consistent with the BWV of NE#1 and NE#2.

**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 that NE#1 violated SPD Manual Section 5.140 – Bias-Based Policing.

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.)

OPA's investigation found no evidence supporting the allegation that the Subject received differential treatment from NE#1 based on any discernible characteristic of protected classes. NE#1's actions were consistent with their lawful authority to enforce Seattle Municipal Code 12A.08.040 (Criminal Trespass). Additionally, Officers may arrest for



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violations of SMC 12A.08.040 on private property regardless of the existence of a trespass warning agreement if someone with the authority to revoke privilege has previously admonished the individual from the property and is willing to testify as a witness.

In this instance, neither NE#1 nor NE#2 were present in the store to witness the initial disturbance leading to the 911 call. Based on the available evidence, an employee with the authority to revoke the Subject's privilege to enter the University Target revoked such privilege in the presence of the Named Employees. As such, NE#1 had probable cause that the Subject would be in violation of SMC 12A.08.040 had she remained on the property. The Named Employees gave the Subject multiple opportunities to leave the premises without being placed under arrest. The Subject ultimately complied with the lawful orders given by the Named Employees.

OPA did not note NE#1 doing or saying anything overtly biased based on the race, gender, or other discernable characteristics of the Subject. The bias-based policing allegations made by the Subject were premised on her perception that Named Employees enforcing SMC 12A.08.040 were supportive of bias or discrimination on the part of the University Target employee(s). None of the evidence reviewed suggests that the University Target employees made the decision to trespass the subject based on bias. Rather, their decision appears to have been based on the Subject's conduct. Furthermore, the Subject's belligerent behavior towards the Named Employees corroborates the original rationale for trespassing.

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

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

**Named Employee #2 - Allegation #1**

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

For the same reasons stated above at Named Employee #1 – Allegation #1, OPA recommends that this allegation be Not Sustained – Unfounded.

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