



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-0886

Issued Date: 02/16/2017

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 August 1, 2015)
OPA Finding	Not Sustained (Unfounded)
Allegation #2	<u>Seattle Police Department Manual</u> 5.001 (9) Standards and Duties: Employees Shall Strive to be Professional at all Times (Policy that was issued April 1, 2015)
OPA Finding	Not Sustained (Inconclusive)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employee transported the complainant to a precinct.

COMPLAINT

The complainant alleged the Named Employee whispered a racial epithet at him while he (the complainant) was being transported.

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. Interview of SPD employee

ANALYSIS AND CONCLUSION

The Named Employee was not the officer who made the decision to stop the complainant for riding his bicycle without a helmet, nor did he make the decision to take the complainant into custody for an outstanding arrest warrant. The Named Employee's only role in this incident was as a transport officer. For this reason, the OPA Director found no evidence to support the allegation the Named Employee engaged in bias-based policing.

The complainant alleged the Named Employee, while riding as the front seat passenger in the police car transporting the complainant to the precinct, turned his head to face the back seat and mouthed the "N" word to the complainant. The rear-facing ICV in the transport car recorded the complainant directing insults and taunts at the Named Employee. The complainant even asked the Named Employee to use the "N" word at one point. The ICV also captured a moment when the complainant appeared to react violently to something in front of him by rising up in his seat, straining forward against the seatbelt and shouting that the Named Employee had just turned and called him by the "N" word. The Named Employee adamantly denied speaking or even moving his lips to form this word. The Named Employee told OPA he did turn his head back to face the complainant at about the time the complainant reacted forcefully and accused the Named Employee of mouthing the "N" word. However, the Named Employee said he did not say or mouth anything, let alone the "N" word, but turned to face the complainant to see why he was moving around so much in the back seat. In evaluating the evidence from the investigation, the OPA Director did not find a preponderance of evidence to prove the Named Employee did not say or mouth the "N" word. Similarly, the OPA Director did not find a preponderance of evidence to support the allegation. It was possible the Named Employee did what the complainant alleged, this would not have been inconsistent with the evidence, other than the Named Employee's own denial. At the same time, it was equally possible the Named Employee did not mouth the offensive word and the complainant staged the event and his reaction to make it seem like the Named Employee did.

FINDINGS

Named Employee #1

Allegation #1

A preponderance of the evidence showed that the Named Employee was not the officer who made the decision to stop the complainant, nor did he make the decision to take the complainant into custody for an outstanding arrest warrant. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Bias-Free Policing: Officers Will Not Engage in Bias-Based Policing*.

Allegation #2

There was not a preponderance of the evidence either supporting or refuting the allegation. Therefore a finding of **Not Sustained** (Inconclusive) was issued for *Standards and Duties: Employees Shall Strive to be Professional at all Times*.

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.