



## CLOSED CASE SUMMARY

ISSUED DATE:      JANUARY 2, 2018

CASE NUMBER:     2017OPA-0618

### Allegations of Misconduct & Director’s Findings

**Named Employee #1**

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

**Named Employee #3**

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

**Named Employee #4**

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

**Named Employee #5**

Allegation(s):		Director’s Findings
# 1	Bias-free Policing - 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 he was arrested and treated unfairly because he is African-American.

**ANALYSIS AND CONCLUSIONS:**

**Named Employee #1 - Allegations #1**

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

Officers were dispatched to a suspected harassment and a request to remove an agitated individual from a Seattle Streetcar. The victim, a Seattle Streetcar driver, alleged that the Complainant had threatened to assault him. During



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his interview by officers, the driver asserted that the Complainant had threatened him and that he was afraid of the Complainant based on those threats. Based on this, the officers arrested the subject for harassment.

The Complainant was transported to the precinct. At the precinct, he was interviewed by a sergeant. The Complainant, who is African-American, claimed that he was arrested and treated unfairly based on his race. The sergeant recorded the Complainant's statement. He further forwarded the bias allegation to OPA via a Blue Team Complaint.

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

During its investigation, OPA reviewed In-Car Video (ICV) and surveillance video from the Streetcar. OPA further interviewed the driver, as well as all of the Named Employees. Based on my review of the record, I located no evidence supporting the Complainant's allegation that the Named Employees' treatment of him was motivated by bias. Notably, the ICV and surveillance video is consistent with the driver and Named Employees' accounts. It further establishes that the Complainant harassed the driver and evidences that this conduct, not his race, was the reason for his arrest.

For these reasons, I do not find that any of the Named Employees engaged in biased policing in violation of SPD policy. As such, I recommend that this allegation be Not Sustained – Unfounded.

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

**Named Employee #2 - Allegations #1**

***Bias-free Policing - 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), I recommend that this allegation be Not Sustained – Unfounded.

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

**Named Employee #3 - Allegations #1**

***Bias-free Policing - 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), I recommend that this allegation be Not Sustained – Unfounded.

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



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**Named Employee #4 - Allegations #1**

***Bias-free Policing - 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), I recommend that this allegation be Not Sustained – Unfounded.

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

**Named Employee #5 – Allegation #1**

***Bias-free Policing - 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), I recommend that this allegation be Not Sustained – Unfounded.

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