



CLOSED CASE SUMMARY

ISSUED DATE: JUNE 5, 2018

CASE NUMBER: 2017OPA-1268

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)

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 subjected to biased policing during his arrest.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

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

Officers, including the Named Employees, were dispatched to a report of an assault. The officers spoke to the victim who indicated that an individual, who was later identified as the Complainant, had tried to rape her. The victim stated that she was able to get away from the Complainant, but that he later followed her to a bus stop and punched her in the face. She further indicated that she fell to the ground and hit her head on the concrete, which caused her to lose consciousness. The officers also learned that the Complainant told the victim that he had AIDS, threatened to kill the victim, and spat in her face.



When the officers arrived at the scene, the Complainant was receiving medical attention from the Seattle Fire Department. The Complainant, who was identified as the perpetrator by both the victim and independent civilian witnesses, was placed under arrest. Named Employee #2 later obtained and reviewed surveillance video which she reported showed the Complainant striking the victim in the head/face area.

After his arrest, the Complainant called OPA and initiated this complaint. He alleged that his arrest was based on “bias,” but did not provide any details as to whether it was allegedly due to his race or some other discriminatory reason. Based on that allegation, OPA initiated 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.) This includes different treatment based on the race of the subject. (*See id.*)

Based on my review of the record, there was substantial evidence supporting probable cause for the arrest of the Complainant. He was identified as the perpetrator by both the victim and independent witnesses. Moreover, third party video obtained by the Named Employees conclusively established that he was the assailant. This conduct, not any bias on the part of the Named Employees, was the basis for the Complainant’s arrest and the law enforcement action taken towards him. For these reasons, I recommend that this allegation be Not Sustained – Unfounded as against all of the Named Employees.

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

Named Employee #2 - 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)**

Named Employee #3 - 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)**

Named Employee #4 - 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.



Seattle
Office of Police
Accountability

CLOSE CASE SUMMARY

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