



## CLOSED CASE SUMMARY

ISSUED DATE:     AUGUST 14, 2018

CASE NUMBER:    2018OPA-0180

### Allegations of Misconduct & Director’s Findings

**Named Employee #1**

| Allegation(s): |   | Director’s Findings       |
|----------------|---|---------------------------|
| # 1            | 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            | 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            | 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            | 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 the Named Employees engaged in biased policing towards him.

**ANALYSIS AND CONCLUSIONS:**

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

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

On the date in question, officers, including Named Employee #1 (NE#1) and Named Employee #4 (NE#4), were dispatched to a vehicle collision involving a Jaguar and a Chevy Silverado. When NE#1 and NE#4 arrived at the scene, the driver of the Jaguar – who was later identified as the Complainant – was receiving medical treatment. An uninvolved witness told the officers that the Complainant’s vehicle had been swerving, speeding, and exhibiting



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other dangerous driving behavior. The witness, who told the officers that he had been driving behind the Complainant, stated that it also appeared that the Complainant had been using his cellphone.

When NE#1 and NE#4 spoke with the Complainant, they determined that he was potentially intoxicated. The Complainant's eyes were watery and bloodshot. He admitted drinking alcohol earlier but could not tell the officers where he had been drinking, what direction he had been traveling in, or where he currently was. NE#4 asked the Complainant whether he would perform sobriety tests and the Complainant stated that he would. However, he then began to complain of pain to his leg and arm and started crying. NE#4 reported that the Complainant became "uncooperative and hysterical."

At that point, Named Employee #2 (NE#2) and Named Employee #3 (NE#3), had arrived at the scene. NE#4 later conducted modified sobriety tests while the Complainant was inside of the ambulance prior to him being transported to the hospital. NE#4 reported that the Complainant failed these tests and that she developed probable cause to believe that he was DUI.

While he was in the ambulance, the Complainant continued to be very emotional. He asked the officers whether they thought he was a "loser" and ignorant because he is Mexican. He then started yelling at NE#1 and told her that she was messing with him and that she thought he was a "stupid fucking spic."

NE#2 construed the Complainant as making an allegation of bias and he reported that allegation to a supervisor. The supervisor responded to Harborview Medical Center (HMC), where the Complainant was receiving medical treatment, and interviewed him. The supervisor asked the Complainant questions concerning his allegation of bias and the Complainant referenced that he was left at the scene for a long time prior to an ambulance being called. He told the supervisor to look at him and stated that he believed that the officers treated him like a "piece of shit" and "some spic or something." He told the supervisor that the officers treated him like he was a "thug" and was "ignorant." He repeatedly alleged that he was the last person brought to HMC from the scene and stated that this was based on his race.

Based on the Complainant's explicit request that the supervisor file an OPA complaint on his behalf, the supervisor referred this matter to OPA. OPA initiated this investigation and, after conducting a preliminary review, decided to classify this case as an Expedited Investigation. As such, OPA did not deem it necessary to interview the Named Employees.

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.*)

From my review of the evidence, there is no indication that the Named Employees engaged in biased policing or that the Complainant's race and/or membership in a protected class had any impact on the law enforcement action taken against him. Indeed, I find the opposite and conclude that the Named Employees treated the Complainant appropriately and with respect, even though he was uncooperative at times and extremely emotional. In reaching this finding, I note that the EMTs who treated the Complainant were complimentary of the officers' conduct,



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especially that of Named Employee #4. Moreover, the EMTs stated that they saw no evidence of bias. 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**

***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**

***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**

***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)**