



CLOSED CASE SUMMARY

ISSUED DATE: MARCH 10, 2019

CASE NUMBER: 2018OPA-0937

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)

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 Employee subjected him to biased policing.

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the OPA Auditor’s review and approval, believed that it could reach and issue recommended findings based solely on its intake investigation and without interviewing the Named Employee. As such, the Named Employee was not interviewed as part of this case.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

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

Named Employee #1 (NE#1) responded to a call of an assault. When he arrived, he spoke with the Complainant, who reported that another individual had kicked him in the eye several days prior. NE#1 spoke to that individual, who provided a different account. The individual stated that the Complainant had been following him around and calling him racial slurs. The individual told NE#1 that the Complainant approached him and “flinched” at him. The individual said that, at that time and in self-defense from a perceived imminent assault, he punched the Complainant once in the face. NE#1 reviewed security video from the building and found that it did not corroborate the Complainant’s allegation that he had been assaulted. The Complainant then became belligerent and said that he may assault the individual. NE# told him that if he did so, he would be arrested. Based on the Complainant’s further conduct and statements, NE#1 took him into custody.

After his arrest, the Complainant made the following comment that was construed as a claim of biased policing: “Bias Policing, Title 5.140 also Seattle Municipal Code 14.11. I believe you are bias policing based on my Veteran status, my economic status, my mental health, and my chemical dependency.” This comment was relayed to a SPD supervisor and that supervisor referred this matter to OPA. This investigation ensued.



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.*)

OPA’s investigation, which included a review of the documentation of this incident and the Body Worn Video, indicated that there was no evidence that NE#1 engaged in biased policing. To the contrary, the evidence established that the Complainant’s arrest was based on his conduct, which included threats towards and harassment of the individual, not his membership in any protected class. The evidence further established that NE#1 acted entirely appropriately during this incident and that the Complainant’s biased policing allegation is frivolous.

As such, I recommend that this allegation be Not Sustained – Unfounded.

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