



## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Closed Case Summary

Complaint Number OPA#2015-0087

Issued Date: 07/30/2015

<b>Named Employee #1</b>	
Allegation #1	<u>Seattle Police Department Manual</u> 5.140 (s) Officers Will Not Engage in Bias-Based Policing (Policy that was issued 01/01/15)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Final Discipline	N/A

#### **INCIDENT SYNOPSIS**

A Domestic Violence (DV) incident occurred and the two parties separated before they both called the police. An SPD officer responded to each party to interview them and then compared notes by phone. The named employee, who was the primary officer for the incident, determined that one of the parties should be arrested for DV assault.

#### **COMPLAINT**

The complainant alleged that the named employee arrested him for DV assault because he is black. The complainant further alleged the named employee disregarded his version of the event because the assault victim was white.

## **INVESTIGATION**

The OPA investigation included the following actions:

1. Review of complaint email
2. Interview of the complainant
3. Review of In-Car Video
4. Search for and review of all relevant records and other evidence
5. Interviews of SPD employees

## **ANALYSIS AND CONCLUSION**

A detailed review of the evidence showed that the decision to make a mandatory arrest of the primary aggressor in a Misdemeanor Domestic Violence assault was based on current law and SPD policy. Officers may not use discernible personal characteristics in determining reasonable suspicion or probable cause, except as part of a suspect description. The named employee considered the behavior of the two parties and their actions in order to determine who the primary aggressor was in this incident.

## **FINDINGS**

### **Named Employee #1**

#### Allegation #1

The evidence showed that the named employee did not consider race as a factor in determining the primary aggressor of a DV assault. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Officers Will Not Engage in Bias-Based Policing*.

*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.*