



## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Closed Case Summary

Complaint Number OPA#2015-1220

Issued Date: 03/04/2016

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 5.140 (2) Officers Will Not Engage in Bias-Based Policing (Policy that was issued 01/01/2015)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 5.140 (2) Officers Will Not Engage in Bias-Based Policing (Policy that was issued 01/01/2015)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Final Discipline	N/A

#### **INCIDENT SYNOPSIS**

Officers responded to a second hand report from a school official that a student was being attacked near a school. Named employee #1 was dispatched as the primary officer. His response and that of other officers had been captured on In-Car Video (ICV). Officers arrived within two minutes of the call being dispatched but were unable to locate the incident. Named employee #1 remained in the area for about six minutes and was flagged down by a motorist who stated her adult daughter had been assaulted. Other officers were still trying to locate the school officials that had gone to assist the student. The adult daughter was not a student and stated that she and a person she barely knew had been in a dispute on Facebook. The adult

daughter had been on a metro bus when she saw the female subject from Facebook in the back of the bus. The female subject wanted to fight her and pulled out a taser and began to shock her and struck her several times. The bus driver told the female subject to get off the bus. The adult daughter called her mother and her mother picked her up. They saw the female subject at a bus stop and the adult daughter reported that she sprayed the female subject with mace. The adult daughter wanted the female subject charged with assault.

## **COMPLAINT**

The complainant stated she did not agree with named employee #1's decision when he failed to arrest the female subject who threatened and assaulted her daughter on a Metro Bus with a Taser. She also stated she did not agree with named employee #2 when he told her that "they couldn't do anything about it." The complainant alleges nothing was done because the incident was "black on black" violence.

## **INVESTIGATION**

The OPA investigation included the following actions:

1. Review of the complaint email
2. Interview of the complainant
3. Search for and review of all relevant records and other evidence
4. Interview of SPD employees

## **ANALYSIS AND CONCLUSION**

The OPA investigation showed that King County Metro Transit Police arrived to assist named employee #1 with his investigation of this incident. Named employee #1 reported to OPA that he was told that there was no video equipment on the involved bus. The bus driver was identified, but even several hours later, the driver could not be reached by cell phone as she was reported to be still operating the bus. No witnesses to the encounter on the bus were located. After the adult daughter showed named employee #1 some of the female subject's Facebook postings, he was able to determine the female subject's identity. He requested that officers respond to her Seattle address and they located the female subject. Named employee #1 responded and interviewed the female subject. The female subject reported that the adult daughter had approached her on the bus and she said that she did not want to argue over the issue. She said she felt threatened and took out her taser to spark it at the adult daughter. The adult daughter knocked the taser out of her hand and then they got into a fight on the bus. She got off the bus to wait for the next one. The female subject stated that the adult daughter, her mother and her sister stopped at the bus stop, where the mother got out and insisted that her adult daughter use a crow bar to hit the female subject. The female subject said that instead the adult daughter sprayed her with mace. The adult daughter and her sister got into a fight with the female subject. The female subject got onto the next bus when it pulled up and

called a teacher for help. The school staff picked her up, helped her clean the spray off, and took her home. She wanted to press charges against the adult daughter, her mother and the sister. While named employee #1 was working on the report, the mother called to complain about the lack of investigation and that the female subject had not been arrested. Named employee #2 spoke with the mother and later the adult daughter about the situation. Named employee #2 completed a report of biased policing that was submitted through his chain of command for review.

## **FINDINGS**

### **Named Employee #1**

#### Allegation #1

The overwhelming weight of the evidence supports that named employee #1 conducted a thorough and objective investigation into the assault claims against each other by both parties. No evidence discovered in this investigation supports the allegation that named employee #1 failed to adequately investigate the claim of an assault on a Metro bus or make and arrest or that any law enforcement action taken or not taken by named employee #1 was a result of bias. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Officers Will Not Engage in Bias-Based Policing*.

### **Named Employee #2**

#### Allegation #1

The preponderance of the evidence supports named employee #2's conclusion that named employee #1 lacked probable cause to make an arrest in the matter. No evidence discovered in this investigation supports the allegation that named employee #2's assessment of named employee #1's actions and decisions were a result of bias. 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.*