



## CLOSED CASE SUMMARY

ISSUED DATE: JULY 30, 2018

CASE NUMBER: 2017OPA-1257

### Allegations of Misconduct & Director’s Findings

**Named Employee #1**

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 9. Employees Shall Strive to be Professional at all Times	Not Sustained (Unfounded)
# 2	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)

**Named Employee #5**

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 #6**

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.***



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**EXECUTIVE SUMMARY:**

The Complainant alleged that the Named Employees engaged in biased policing when they arrested her daughter. The Complainant further alleged that Named Employee #1's behavior was unprofessional during this incident.

**STATEMENT OF FACTS:**

The Named Employees responded to a possible domestic violence incident at the Complainant's residence. When they arrived, the Complainant's daughter was outside of the residence with her father. The daughter and father were engaged in a loud verbal dispute. The officers separated them and began to investigate the incident. They learned that the daughter had several friends spent the night at the residence, including a man named "Alonso." For various reasons, the Complainant and the father wanted Alonso and others to leave. When the father confronted those individuals, there was a verbal dispute and the daughter threw a chair through a glass patio door. During the investigation, Alonso returned to the scene and spoke with the officers. He stated that he spent the night at the residence and he woke up with the father yelling at him. The officers were told that when Alonso appeared to be "stalling" when collecting his belongings prior to leaving the residence, the father grabbed him. At that point, Alonso struck the father several times in the face. When the father went after Alonso, the daughter hit the father with a wooden log causing him to suffer an injury to his arm. The father and the daughter engaged in a further physical altercation with the father trying to protect himself. The father stated that the daughter was defending Alonso.

Based on the information they received and their investigation, the officers made the decision to place the daughter under arrest for domestic violence assault and destruction of property. At this time, both the Complainant and the father grew upset. The Complainant stated her belief that the only reason that the daughter was being arrested was because she was "brown-skinned." The Complainant also was unhappy because she had requested an officer with "mental health experience." When she was told that multiple officers present were crisis-trained, she stated that she was talking about other "professionals" with mental health expertise. While the daughter was being placed under arrest, Alonso left the scene. He was later located and it was discovered that he had an open felony warrant for parole violations. He was also placed under arrest.

As part of its investigation, OPA interviewed the Complainant. She stated that she was unhappy with the law enforcement response to this incident. She asserted that Named Employee #1 (NE#1) acted unprofessionally when she was condescending and "almost made fun of the idea that [the Complainant] did not call the police initially." The Complainant acknowledged that she and the father told the officers that the daughter broke the glass patio door and threw a log at the father. She provided further detail concerning her allegation of bias. She felt that because of her daughter's skin-color and the fact that they had a bi-racial family, "there was an assumption that we did not have our family in order and that we would not take care of the things that we needed to take care of with my daughter." She concluded that she believed that there was an "overall lack of respect" from NE#1 due to their bi-racial family.

OPA also interviewed all of the Named Employees. They universally denied engaging in biased policing. They stated that the nature of the allegations made concerning the daughter's conduct, as well as what they learned during their investigation, was the basis for her arrest – not her race or the fact the Complainant's family was bi-racial. The officers further noted that, given the domestic violence nature of the call, this was a mandatory arrest situation in which the officers had little to no discretion. Lastly, NE#1 asserted that she acted professionally during this incident. She also contended that she did not make any statements or take any actions that unnecessarily escalated the involved parties.



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She stated that, to the contrary, she tried to keep the situation calm and to clearly explain the circumstances and her actions, even though both the Complainant and the father repeatedly yelled over her. The other Named Employees all contended that NE#1 was professional.

**ANALYSIS AND CONCLUSIONS:**

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

***5.001 - Standards and Duties 9. Employees Shall Strive to be Professional at all Times***

SPD Policy 5.001-POL-9 requires that SPD employees “strive to be professional at all times.” The policy further instructs that “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers.” (SPD Policy 5.001-POL-9.)

As discussed above, the Complainant alleged that NE#1 was unprofessional during this incident. Specifically, the Complainant alleged that NE#1 was condescending and otherwise inappropriate. NE#1 denied that she engaged in this behavior, as did the remainder of the Named Employees. From my review of the record, including the Department video relating to this case, I find no evidence that NE#1 engaged in unprofessional behavior. I note that, as captured by the video, the Complainant and the father were both agitated. The father repeatedly raised his voice at the officers, criticized their response to the call, and used profanities. In spite of this, NE#1 remained very calm and respectful. Even after the father told NE#1 to “get the fuck out of my yard,” she continued to explain what she was doing and why.

I find that NE#1 acted consistent with Department policy and tried to handle a very difficult situation in the best way that she could. For these reasons, I recommend that this allegation be Not Sustained – Unfounded.

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

**Named Employee #1 - Allegation #2**

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

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.*)

The evidence in this case indicates that the officers arrested the daughter because they believed that she threw a chair through the glass patio door and that she hit her father with a log, causing him to be injured. Based on this information, there was probable cause to arrest the daughter for domestic violence crimes and, due to requirements under SPD policy and Washington State law, her arrest was mandatory. I find that these factors, not the daughter’s race or skin color, was the basis for the law enforcement action taken by the Named Employees.

For these reasons, I recommend that this allegation be Not Sustained – Unfounded as against all of the Named Employees.



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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 Allegation #1, Allegation #2), 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 Allegation #1, Allegation #2), 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 Allegation #1, Allegation #2), I recommend that this allegation be Not Sustained – Unfounded.

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

**Named Employee #5 – 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 Allegation #1, Allegation #2), I recommend that this allegation be Not Sustained – Unfounded.

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

**Named Employee #6 – 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 Allegation #1, Allegation #2), I recommend that this allegation be Not Sustained – Unfounded.

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