



## CLOSED CASE SUMMARY

ISSUED DATE: NOVEMBER 28, 2018

CASE NUMBER: 2018OPA-0560

### 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)

***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 subjected her to biased policing due to her gender.

### 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 Employees. As such, the Named Employees were not interviewed as part of this case.

### ANALYSIS AND CONCLUSIONS:

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

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

The Named Employees were dispatched to a call for service regarding a female in crisis who was allegedly suicidal. The female was later identified as the Complainant. The call was generated by the Complainant’s ex-boyfriend after he stated the Complainant had been threatening suicide via text message. The officers read the text messages.

The Named Employees responded to the scene and contacted the Complainant. She was upset and she acknowledged sending text messages in which she stated that she wanted to kill herself. The Named Employees made the decision to involuntarily commit the Complainant to the hospital for an emergent detention. This was based on the threats to harm herself and the officers’ belief, based on their training and experience and their conversation with the Complainant’s boyfriend, that the Complainant was at significant risk of harming herself. In making this determination, the officers acted consistent with RCW 71.05.153, which provides that an emergent



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detention is warranted where an officer “has reasonable cause to believe that such person is suffering from a mental disorder or substance use disorder and presents an imminent likelihood of serious harm or is in imminent danger because of being gravely disabled.”

The Complainant did not make a claim of bias policing at the scene; however, she later came to OPA’s office and initiated this complaint.

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 record, I find no evidence indicating that the officers engaged in biased policing or acted in any type of a discriminatory manner towards the Complainant based on her gender or her membership in another protected class. To the contrary, I find that the Named Employees were professional towards the Complainant and acted appropriately during this incident. The decision they made was to protect the Complainant from harming herself was lawful and appropriate, and was based on their reasonable assessment of the circumstances. As such, I recommend that this allegation be Not Sustained – Unfounded as against both 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)**