



CLOSED CASE SUMMARY

ISSUED DATE: MARCH 10, 2019

CASE NUMBER: 2018OPA-0941

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)

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)

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 based on 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 - Allegations #1

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

Officers, including the Named Employees, were dispatched to a domestic violence (DV) assault. When they arrived at the scene, the Named Employees spoke to the victim and a witness. They were informed that the Complainant, who was the victim’s girlfriend, had perpetrated the DV assault. The Named Employees were provided with a description of the Complainant and her vehicle, as well as with her direction of travel. The Named Employees located the Complainant and detained her pending their investigation into the incident.



The Named Employees conducted a thorough investigation, which lasted around one hour. Ultimately, based on the evidence amassed during the investigation, the Complainant was determined to be the primary aggressor and the decision was made to place her under arrest. Notably, under SPD policy and Washington State law, once the Named Employees believed that the Complainant had perpetrated a DV assault, they were required to arrest her and did not have discretion in this regard. The Complainant's arrest was screened with and approved by a supervisor.

After her arrest, the Complainant asserted that she was arrested because the Named Employees were "sexist." In response to clarifying questions asked by the supervisor, the Complainant confirmed her belief that she was only arrested because she was a woman. She further requested that the supervisor initiate an OPA complaint, which he did. 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.*)

This incident and the Named Employees' response was fully captured on Department video. The video revealed that, through their investigation, the Named Employees determined that the totality of the evidence indicated that the Complainant was the primary aggressor in a DV assault and that there was probable cause supporting her arrest. From OPA's review of the evidence, this determination appears to have been supported by the information available to the Named Employees at the time. As such, the Complainant's conduct, not her gender, was the basis for the law enforcement action taken towards her. Moreover, and as discussed above, once the Complainant was determined to be the primary aggressor, her arrest was mandatory. As such, the Named Employees had to arrest her, regardless of her gender.

Ultimately, there is no evidentiary support for the allegation that the Named Employees engaged in biased policing. Accordingly, I recommend that this allegation be Not Sustained – Unfounded as against all of the Named Employees.

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

Named Employee #2 - Allegations #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)**

Named Employee #3 - Allegations #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.



Seattle
Office of Police
Accountability

CLOSE CASE SUMMARY

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