

**SEATTLE POLICE DEPARTMENT MEMORANDUM**

**TO:** Chain of Command  
UNIT C020X

**DATE:** July 24, 2015

**FROM:** Mike Fields  
Human Resources Director

**SUBJECT:** Proposed Discipline/ Cynthia Whitlatch/ OPA 15-0117

Attached are the Cover Letter and Proposed DAR for Officer Whitlatch. The Cover Letter and Proposed DAR need to be given to Officer Whitlatch via her chain of command. Electronic copies have been or will be provided to all recipients copied on the cover letter.

Please have Officer Whitlatch sign in the appropriate place below, then complete the bottom section. **On the day of service, scan the completed, signed receipt and send it to SPD\_EmploymentCounsel@seattle.gov.** Within 7 days of service, return the original signed receipt to the SPD Legal Unit (JC-05-01).

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My signature below indicates that I have received the Cover Letter and Proposed DAR regarding OPA 15-0117.

\_\_\_\_\_  
Cynthia Whitlatch, #6229

\_\_\_\_\_  
Date

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**After providing Officer Whitlatch with the documents, please complete the information below as appropriate.**

Served by: \_\_\_\_\_  
Name/Rank (print)

Date: \_\_\_\_\_

Comments (if needed): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_

**On the day of service, scan the completed, signed receipt and send it to SPD\_EmploymentCounsel@seattle.gov**  
Original receipt should be returned within 7 days to SPD Legal Unit (JC-05-01)

<b>Seattle Police Department PROPOSED DISCIPLINARY ACTION REPORT</b>		FILE NUMBER <b>OPA Case 15-0117</b>	
RANK/TITLE <b>Officer</b>	NAME <b>Cynthia Whitlatch</b>	SERIAL NUMBER <b>6229</b>	UNIT <b>C020X</b>
ALLEGATION(S) LIKELY TO BE SUSTAINED:			
<b>Violation of Seattle Police Department Policy &amp; Procedure Manual Sections:</b>			
<ul style="list-style-type: none"> <li>• <b>Voluntary Contact and Terry Stops: Terry Stops are Seizures and Must be Based on Reasonable Suspicion in Order to be Lawful 6.220 (1) Issued 1/30/2014</b></li> <li>• <b>Standards &amp; Duties: Exercise of Discretion 5.001 (VII) (A) issued 8/15/2012</b></li> <li>• <b>Use of Force Core Principles: When Time, Circumstances, and Safety Permit, Officers Will Take Steps to Gain Compliance and De-Escalate Conflict without Using Physical Force 8.000 (2) Issued 01/120/14</b></li> <li>• <b>Using Force - Use-of-Force: When Authorized 8.100 (1) issued 1/1/2014</b></li> <li>• <b>Bias-Free Policing - Employees Will Not Engage in Bias-Based Policing 5.140 (2) issued 1/30/2014</b></li> </ul>			
SPECIFICATION			
<p>This proposed discipline is based on your interaction with an individual on July 9, 2014 which began while you were on-duty, driving a patrol car near the East Precinct. In your second OPA interview, you reported that as you were driving near a stop sign, you saw a blur of motion out of the corner of your eye and heard a sound you interpreted as metal on metal, and then (after driving past the individual) saw him moving a golf club held parallel to the ground with a look on his face that you described as "angry, you know, furrowed brow." You then drove around the block and contacted the individual, making what you admit was a <i>Terry</i> stop. You immediately ordered him to drop his golf club, told him the golf club was a weapon, and told him that he was not permitted to leave. Under Department policy, a <i>Terry</i> stop must be based on a reasonable suspicion that an individual has been or is about to be engaged in criminal activity. Based on your statement to OPA, you did not have a reasonable suspicion as required by Department policy for the stop.</p> <p>Further, once you stopped the individual, your behavior towards him was aggressive and unnecessarily escalated the interaction. There were opportunities to assess different tactics and take a softer approach to resolve the incident. This is particularly true once you had observed the individual's lack of threatening demeanor. You repeatedly chose the most aggressive options, accusing the individual of swinging his club at you, and threatening him with arrest. During this confrontation, you were holding your nightstick in your hand, further escalating the interaction and signaling it as dangerous. Department policy requires you to "apply reason, professional expertise and judgment" in making law enforcement decisions. It also requires that you de-escalate whenever possible in order to minimize the possibility of having to use physical force. You failed to do either. There was no point where you reassessed your combative direction with the individual, even after you were out of the field. You instead pushed forward with his arrest, causing him to be booked into jail, and later lobbied the City Attorney's Office to follow through with a prosecution. The unreasonableness of your actions is highlighted by their contrast with that of another officer, who arrived after you'd confronted the individual, and spoke to him, and immediately obtained the golf club and compliance from the individual. Officers are required to treat members of the public considerately and respectfully, and not behave, as you did, in an aggressive and unreasonable fashion.</p>			

You also used *de minimus* force against the individual when you held his left hand on the hood of the car while you searched his pockets. Because you lacked authority under Department policy to detain him, your use of even *de minimus* force was not compliant with Department Manual Section 8.100(1), which limits use of force to that necessary to achieve a law enforcement purpose.

Further, your actions towards the individual violated Department Manual Section 5.140(2), which states that "Employees shall not make decisions or take actions that are influenced by bias, prejudice or discriminatory intent." Your decision to conduct a *Terry* stop was based on unreasonable assumptions about the individual that were influenced by bias. Additionally, several of your actions were taken based on bias, including the angry and confrontational manner in which you approached the individual, ignoring his confusion about your accusation that he swung the club at you, and your decision to arrest and pursue charges against him, despite alternative options. While you did not use slurs or otherwise explicitly raise racial issues during the encounter, your actions and statements (related to this incident and in the recent past) indicate that you interpret events in your workplace to be situations where white police officers, and you specifically, are not being treated fairly or respectfully by members of the public, particularly African Americans, and this contributed directly to your police work vis-à-vis this individual. During your interviews with OPA, you indicated that your perception of the race, sex, and age of others influenced how you interacted with and reacted to events regarding this individual and, more generally, events in the workplace. You discussed your view that the individual's age and sex contributed to his reaction towards you as a female officer, and stated that you would not be investigated were you not white. Without prompting, you described how you viewed the resolution of his charges as an example of racial bias because "guess who" – a black judge and black chief were not, in your view, supporting white officers. Your perceptions of race and other protected categories appear to be so deeply seated that they impacted the aggressive manner in which you treated this man, whose actions did not warrant such treatment.

The violation of Section 5.140(2) is serious enough that, on its own, the allegation would warrant the recommended discipline. It is also notable that you have been previously disciplined and counseled for unprofessional conduct. This includes a verbal reprimand in 2002 when you engaged in rude and unprofessional conduct during a traffic stop, and a written reprimand in 1998 when you got into a loud and angry confrontation over a personal dispute regarding \$1.04, identified yourself as a police officer, and yelled and used inappropriate language in a retail store. You were also counseled in February 2014 regarding the Department's expectations of courtesy. The day prior to your confrontation with the individual, you received training on Biased Free Policing and Voluntary Contacts and *Terry* Stops, yet did not utilize that training or your years of experience that should have taught you that your behavior on July 9, 2014 was unacceptable.

Your behavior toward and the decisions you made about the individual are deeply damaging to the Department's confidence in your ability to effectively function as a police officer. Your behavior was a violation of public trust and a fundamental violation of your role as a public servant.

PROPOSED Discipline

Termination

DATE ISSUED:  
July 24, 2015



# City of Seattle

Seattle Police Department

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July 24, 2015

Officer Whitlatch, #6229  
(Hand-delivered)

RE: OPA Case #15-0117

Dear Officer Whitlatch:

Please be advised that the following allegations arising from OPA 15-0117 **are likely to be sustained:**

**Violation of SPD Policy & Procedure Manual Sections:**

- **Voluntary Contact and Terry Stops: Terry Stops are Seizures and Must be Based on Reasonable Suspicion in Order to be Lawful 6.220 (1) Issued 1/30/2014**
- **Standards & Duties: Exercise of Discretion 5.001 (VII) (A) issued 8/15/2012**
- **Use of Force Core Principles: When Time, Circumstances, and Safety Permit, Officers Will Take Steps to Gain Compliance and De-Escalate Conflict without Using Physical Force 8.000 (2) Issued 01/120/14**
- **Using Force - Use-of-Force: When Authorized 8.100 (1) issued 1/1/2014**
- **Bias-Free Policing - Employees Will Not Engage in Bias-Based Policing 5.140 (2) issued 1/30/2014**

A description of the allegation and proposed discipline is set forth in the enclosed proposed Disciplinary Action Report. A copy of the investigative file will be provided to the Seattle Police Officers Guild upon request.

Prior to a final disciplinary decision, you will be allowed an opportunity to meet with Chief of Police Kathleen O'Toole or her designee. We have scheduled your meeting for Friday, August 21, 2015, at 8:45 a.m. in the Office of the Chief of Police, 8<sup>th</sup> Floor, Police Headquarters, 610 5<sup>th</sup> Avenue. You may bring a representative with you if you wish.



Seattle Police Department, 610 Fifth Avenue, PO Box 34986, Seattle, WA 98124-4986

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# City of Seattle

Seattle Police Department

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The meeting with the Chief is your opportunity to present information as to why the recommended disciplinary action should not take place. If you choose not to avail yourself of the opportunity to meet with the Chief or wish to provide a written statement in lieu of a meeting, please advise the Chief's office at 684-5577.

Sincerely,

*Mike Fields, SMT*

Mike Fields  
Human Resources Director

Enclosures

Cc:	Kathleen M. O'Toole, Chief of Police	Paul McDonagh, Captain
	Carmen Best, Deputy Chief	Pierce Murphy, Director of OPA
	Steve Wilske, Assistant Chief	Ron Smith, SPOG President



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