



# STATEMENT FORM

OPA-IS FILE NUMBER <b>2015OPA-0117</b>
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Date: 5-13-2015	Time: 12:28 p.m.	Place OPA Offices
Statement of: Officer Ben Archer		
Statement Taken By: Sergeant Krista Bair		
Transcribed by (Taped/Translated Statements) J. Wicklund		

**BAIR:** I'm Sergeant Bair of the Seattle Police Department. The date is May 13<sup>th</sup>, 2015 and the time is 12:28 p.m. The OPA case number is 2015OPA-0117. I am interviewing Officer Archer, who is a witness employee. Also present is Sergeant Deborah Nicholson, who is his Guild representative. This interview is taking place at Suite 1800, Pacific Building. Please state your name and spell your last name.

**ARCHER:** Ben Archer, last name is, A-R-C-H-E-R.

**NICHOLSON:** Deborah Nicholson, N-I-C-H-O-L-S-O-N.

**BAIR:** This interview is being documented by a recording. Do you understand this interview is being recorded and agree to be recorded?

**ARCHER:** Yes.

**NICHOLSON:** Yes.

**BAIR:** Have you received copies of the Garrity Advisement and the Seattle Police Officer's Bill of Rights outlined in your Collective Bargaining Agreement and do you understand them?

**ARCHER:** Yes.

**BAIR:** And have you received notification of the allegations made in the complaint?

**ARCHER:** Yes.

**BAIR:** Under the authority of the Chief of the Seattle Police Department you are hereby ordered to answer all questions asked of you truthfully and completely. Failure to do so may result in discipline up to and including termination. Do you understand?

**ARCHER:** Yes.

**BAIR:** You are advised that you are being questioned as a witness and should your answers reveal violations of Seattle Police Department Rules and/or Regulations the interview will be stopped. You will be advised that your status has changed to that of a Named Employee, and you will receive a new notification and interview date.

**ARCHER:** Yes.



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BAIR: All right. Officer Archer, how long have been with the Seattle Police?

ARCHER: Nine, nine years and...over nine years.

BAIR: Okay. And where are you currently working?

ARCHER: Currently I'm on light duty in the Force Review Unit. I'm permanently assigned, other than that, to second watch, East Precinct.

BAIR: All right. And you had a chance to review the in-car video prior to this interview?

ARCHER: Yes.

BAIR: And do you have independent memory of the July 9<sup>th</sup>, 2014 incident involving Mr. William Wingate?

ARCHER: Yes.

BAIR: Okay. So my understanding is that you arrived as back-up for Officer Whitlatch. Can you tell me how you arrived?

ARCHER: I, I arrived on foot. I was in the write-up room at the precinct and walked out the back door.

BAIR: Okay. And how far away was the scene?

ARCHER: About, approximately a half a block.

BAIR: Okay. And so you arrived. And tell me about your observations of what you were seeing.

ARCHER: So when I walked up on the, on the scene there, I saw Officer Whitlatch's vehicle parked on the northwest corner of 12<sup>th</sup> and Pike facing southbound.

BAIR: Um-hmm.

ARCHER: Officer Whitlatch was on the driver's side of the vehicle and Mr. Wingate was on the passenger side of the vehicle separated by the, the front of the car, the width of the front of the car, approximately. And I could, I could hear Officer Whitlatch speaking with Mr. Wingate. I remember hearing her ask him to drop the, drop the golf club, and I remember hearing Mr. Wingate yelling back. And I don't remember exactly what he was saying, but it didn't, it wasn't necessarily, you know, I'm not gonna drop the golf club, it was, it was more to, you know, having the golf club or...not necessarily responding *exactly* to what she was asking. But he, he was definitely agitated and I guess, verbally hostile. Approached him and as we're, as we're coming up, as I'm coming up to the scene, Mr. Wingate starts



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walking towards myself, and I was walking up with Officer Coles, so he starts walking towards us. That's why I said *we*.

BAIR: Sure. So he walks towards you. Prior to him walking towards you, let's get back for just a second.

ARCHER: Yeah.

BAIR: Can you describe—you, you already described Mr. Wingate as not complying, agitated and verbally hostile—can you describe Officer Whitlatch's demeanor?

ARCHER: She appeared to be, it was kind of a repetitive thing of, you know, drop the golf club, you know, you need to put it down. I guess just verbal commands, she was giving verbal commands to, to...she, she said that the golf club was a weapon, she viewed it as a weapon, told him to put it down on the ground.

BAIR: Okay, and so when you approached you said Mr. Wingate, on the in-car video it appears that his attention is diverted from Officer Whitlatch, that's at the time that you and Officer Coles were approaching?

ARCHER: Yeah. When, when he, when he turned from the vehicle to face northbound, that was, I'm pretty sure that was as he saw us, he was coming to contact us, too.

BAIR: Okay, and how did that contact go?

ARCHER: I don't remember exactly what was said, but there was no, it wasn't...there was no like repetitive commands to, to hand over the golf club. I remember he gave over the golf club willingly at that point.

BAIR: Did you ask him to do?

ARCHER: I don't remember. I'm sure, I'm sure I did. I don't, I don't, I don't recall exactly.

BAIR: Okay.

ARCHER: But it wasn't, there was no conflict there. There was no like head-butting there. It was just got the golf club. And I don't remember if it was me that took it or, or if it was Officer Coles, but it went pretty smoothly at that point.

BAIR: Okay. So at this time it, it appears that Mr. Wingate is complying?

ARCHER: Yeah.

BAIR: All right. And so he hands over the golf club. And then what happens?



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ARCHER: Then I believe we brought him to the front passenger side of the patrol vehicle, as is pretty, you know, normal for, you know, anytime you're contacting a suspect, you know, you get their hands out so that you can control them should anything arise. And then essentially just making sure that there's no other weapons on him or anything, and to gather more information as to what's going on. I believe that I, I attempted to get good ID from him. I remember asking if he had an ID or if I could get his wallet, get permission from him so that I wasn't just digging into his pockets.

BAIR: Um-hmm. And how, was he responsive to that?

ARCHER: Yeah, yeah, he said...I don't remember his exact verbiage but yeah, he gave permission.

BAIR: Okay. And ultimately you saw on the video him talking quite a bit afterwards. It appeared to be with more with Officer Coles. Do you recall if he was...could you hear that conversation?

ARCHER: I'm sure I could. I mean I was standing right there, but I don't, I don't remember if my interaction was, was more focused...I'm sure I wasn't focused on Officer Whitlatch, but trying to get that information for her, but I'm sure I was within earshot. I don't, I don't recall any of the conversation specifically...

BAIR: Okay.

ARCHER: ...just, I mean it was, it was...I don't remember specifically. I remember vaguely, you know, certain things that were brought up like the golf club, but—

BAIR: Okay, let's talk about that. The golf club. Did he tell you what his purpose was for the golf club?

ARCHER: He may have. I don't remember that, either. I remember him saying that he walks with it.

BAIR: Okay.

ARCHER: And—

BAIR: Do you remember him saying if he needed it to assist him in walking or just that he walks with it?

ARCHER: I just remember him saying he walks with it.

BAIR: Okay.

ARCHER: And that's not to say that he didn't. I just don't recall hearing that.



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BAIR: All right.

ARCHER: And it was, it's—I could tell you I looked at the golf club, 'cause I packaged it for Evidence—it was scraped along the bottom, so it was definitely something that had been...

BAIR: Used.

ARCHER: ...hit cement, so...

BAIR: Okay.

ARCHER: ...or something rough.

BAIR: Okay. And it was ultimately decided that he was going to be arrested.

ARCHER: Yeah.

BAIR: Did you take part in transporting him back to the precinct?

ARCHER: Yeah.

BAIR: And how did that happen?

ARCHER: So, so myself and Officer Coles walked him back to the precinct. We were half a block from the precinct. It would've been more bother to get him in and out of a car and just easier for him and for us to walk back.

BAIR: Did he ever voice his concerns for not being able to walk unassisted?

ARCHER: No, not that I recall.

BAIR: And when you were walking him can you tell me where you were in position to him?

ARCHER: No. I would...no, not...

BAIR: Do you know if you were holding onto him or were you walking with him in front of you, or?

ARCHER: It is pretty customary, if I'm escorting somebody, to, to have my hand on one of the arms. I don't know which side I was on...

BAIR: That's fine.



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ARCHER: ...but that would be my expectation is that...I mean it was no different than any other contact, no different than any other...

BAIR: Escort.

ARCHER: ...non-problem escort.

BAIR: Okay.

ARCHER: So, yeah, I would imagine I had one arm or the other, and we just walked him back at a nice easy pace.

BAIR: Okay.

ARCHER: He was, he was pretty sweaty. He had gotten him into shade while we were out there, so obviously we weren't trying to rush him back or anything.

BAIR: Okay. Did his walking seem impeded at all?

ARCHER: Didn't appear to be, no.

BAIR: Okay.

ARCHER: I mean we didn't, I mean we weren't rushing back again, but...

BAIR: Right.

ARCHER: ...it didn't seem like anything was wrong.

BAIR: Right. You didn't feel like you were holding him up or...?

ARCHER: No.

BAIR: Okay.

ARCHER: No, and if I had, we would've, we would've had either somebody drive him back or gotten an ambulance or, or an aid unit to check him out, but it was, there was nothing to, to signify that something was, was wrong with his, with walking.

BAIR: Okay, and so you get him back to the precinct and my understanding is processing him in the, in the booking area...

ARCHER: Holding cell area.



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BAIR: ...holding cell area, thank you.

ARCHER: Yeah.

BAIR: Were you the one that was the main processor?

ARCHER: I remember being back there with him.

BAIR: Um-hmm.

ARCHER: I don't know, I don't know exactly what, what I had done while I was there, but I remember being there, back there with him.

BAIR: Okay.

ARCHER: And it's, it's a pretty simple and brief period where you're back there. You're just making sure there's nothing on their person so you can put them in the holding cell area.

BAIR: Um-hmm.

ARCHER: But yeah, I mean I was back there with him.

BAIR: Okay, anything significant pop out at you...meaning any, did he make any complaints of any kind?

ARCHER: No complaints.

BAIR: Okay. Did he make any complaints of Bias in any time you were with him—that Officer Whitlatch, excuse me—that Officer Whitlatch was biased against him?

ARCHER: Not that I recall. You know, the time that I was back there I spent most of my interaction with him was explaining what was going on, what was gonna happen.

BAIR: Sure.

ARCHER: Didn't seem like a bad guy. He wasn't resistant or, you know, when I was walking and talking to him or any of that, so I wanted him to be, I guess, familiar with what the process was gonna be for...

BAIR: Okay.

ARCHER: He didn't, he wasn't, he wasn't being rude. You know, honestly, it seemed like he was receptive to all of it and, and thankful that he was being told what was gonna happen.



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BAIR: Okay.

ARCHER: But that was, that was primarily the interaction was just trying to explain okay, well, you know, we're gonna put you in a holding cell, a sergeant's gonna come and speak with you, all of your property is gonna be put together, you're gonna be most likely you're gonna be transported down to King County Jail while they take you in and they'll speak with you there. So it was mostly along those lines...

BAIR: Okay.

ARCHER: ...but I don't recall any, any complaints of Bias.

BAIR: Okay, and then did you transport him to the jail?

ARCHER: No.

BAIR: Do you recall if Mr. Wingate ever...did he seem receptive to what you were saying?

ARCHER: Yeah, yeah, very, I mean I felt like, I mean like I said, he wasn't, he wasn't being difficult with me.

BAIR: Um-hmm.

ARCHER: He wasn't, I guess what I would think of as being a problem or trying to, to *be* a problem.

BAIR: Um-hmm.

ARCHER: He was, more or less, he, you know, he was just upset about the situation.

BAIR: Um-hmm.

ARCHER: So I was trying to explain it to him so that...I mean he didn't seem like a bad person, so I tried to explain to him what was going on. And he seemed very receptive of that, very, you know, I won't say very thankful, but he seemed thankful that...

BAIR: For the explanation.

ARCHER: ...somebody was explaining it to him.

BAIR: Sure.

ARCHER: You know, it's, it, I don't know if he'd ever been arrested before but for somebody, if it's their first time, they have no idea what's gonna happen.



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BAIR: Right.

ARCHER: So...

BAIR: So besides the process of explaining it to him, did you tell him what he was under arrest for?

ARCHER: I don't recall. I'm not sure.

BAIR: Okay. All right. I have nothing else.

NICHOLSON: Nothing.

BAIR: All right. To maintain confidentiality of this investigation, you are advised not to disclose the information discussed during your interview except with your representative or attorney. Do you understand?

ARCHER: Yes.

BAIR: Is there anything else you think I should know or would like to have me speak with?

ARCHER: No.

BAIR: This completes the interview. The time is 12:40, and it's May 13<sup>th</sup>.