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IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

WILLIAM F. WINGATE,

Plaintiff,

No. 15-2-09969-8 SEA

v.

**COMPLAINT FOR
DAMAGES**

CITY OF SEATTLE, SEATTLE POLICE
DEPARTMENT AND CYNTHIA
WHITLACH, in her official and individual
capacities,

Defendants.

I. PARTIES

1.1 The plaintiff, William F. Wingate, at all times material hereto, resided in King
County, Washington.

1.2 Defendant City of Seattle, Seattle Police Department is a municipal corporation.

1.3 Defendant Cynthia Whitlach was, at all relevant times, a City of Seattle, Seattle
Police Department Officer. Officer Whitlach is named in this lawsuit in her individual and
official capacities.

Complaint for Damages - 1

SUSAN B. MINDENBERGS
ATTORNEY AT LAW
119 FIRST AVE. SO.-STE. 200
SEATTLE, WA 98104-2564
TEL: (206) 447-1560
FAX: (206) 447-1523

1.4 Defendant Cynthia Whitlach, at all relevant times, resided in King County.

II. JURISDICTION AND VENUE

2.1 This Court has jurisdiction over the parties and the subject matter of this action by virtue of 42 U.S.C. § 1983, 42 U.S.C. § 1988, RCW 49.60.030, and RCW 2.08.010. Venue is proper pursuant to RCW 4.12.025.

III. BACKGROUND FACTS

3.1 Plaintiff William F. Wingate is a 70 year old African American man who lives in the Northgate area of Seattle, Washington. Mr. Wingate requires the support of a cane when walking; before being arrested in July 2014, he used a golf club as a cane.

3.2 Defendant Cynthia Whitlach is a Caucasian female City of Seattle Police Officer.

3.3 In 2014, Officer Whitlach used her personal Facebook social media page, available to the public, to make racially derogatory comments about African Americans, specifically African American men.

3.4 Upon information and belief, Officer Whitlach refers to African American persons as "niggers."

3.5 On July 14, 2014, Officer Whitlach was on duty as a City of Seattle Police Officer. She was driving a Seattle Police Department patrol car.

3.6 Officer Whitlach was driving the patrol car eastbound on East Pike Street in the Capitol Hill area of Seattle when she spotted Mr. Wingate walking east on East Pike using a golf club as a cane.

1 3.7 After seeing Mr. Wingate walking peacefully along East Pike Street, Officer
2 Whitlach turned on the patrol car dashboard camera. She then turned left from East Pike onto
3 northbound 11th Avenue East.

4 3.8 Officer Whitlach drove the patrol car to the corner on which Mr. Wingate was
5 standing – the northwest corner of 12th Avenue East and East Pike. Upon information and
6 belief, Officer Whitlach approached Mr. Wingate because he is an African American man.

7 3.9 Mr. Wingate was standing quietly on the northwest corner waiting for the traffic
8 light to change intending to continue walking east on East Pike Street. He was leaning on the
9 golf club in his right hand and he was carrying a small plastic bag in his left hand.
10

11 3.10 Officer Whitlach parked the patrol car on 12th Avenue East facing south,
12 directly in front of Mr. Wingate.

13 3.11 Officer Whitlach opened her patrol car door, which opened out onto the street.

14 3.12 Officer Whitlach began yelling at Mr. Wingate to drop his club.

15 3.13 Confused, Mr. Wingate responded that the golf club was his.

16 3.14 From the side of the patrol car, Officer Whitlach yelled for him to drop the golf
17 club, claiming that the club was a weapon. She falsely accused Mr. Wingate of swinging the
18 “weapon” at her after he moved the golf club from one hand to the other.
19

20 3.15 Officer Whitlach also falsely accused Mr. Wingate of swinging the golf club at
21 her while he was walking on East Pike Street and told him that the conduct was captured by the
22 camera on her patrol car dashboard.
23

1 3.16 Officer Whitlach told Mr. Wingate that if he did not drop the "weapon," she
2 would call for "backup." Mr. Wingate responded that she should call for backup because he
3 had done nothing wrong.

4 3.17 When Officer Chris Coles arrived at the scene on the northwest corner of 12th
5 Avenue East and East Pike, Officer Whitlach walked around the front of her patrol car in the
6 direction of Mr. Wingate while replacing her baton in her service belt.

7 3.18 Mr. Wingate gave the golf club and his plastic bag to Officer Coles when he
8 requested it.

9 3.19 Officer Coles then searched Mr. Wingate looking for weapons, none of which
10 were found.

11 3.20 The officers handcuffed Mr. Wingate's hands behind his back. Officer Whitlach
12 announced to Mr. Wingate that she was placing him under arrest for harassment and for
13 obstructing a police officer.

14 3.21 Officer Coles and Officer Benjamin Archer then marched the handcuffed Mr.
15 Wingate on foot to the East Precinct with his hands cuffed behind his back and without the aid
16 of either his golf club or a cane.

17 3.22 When Officer Coles and Officer Archer reached the East Precinct with Mr.
18 Wingate, Officer Joe Lam conducted the arrest screening on Mr. Wingate.

19 3.23 Mr. Wingate had walked several miles before being arrested. He repeatedly
20 requested that he be given some water. The officers refused to give him water. He did not
21 receive any water until approximately eight hours after he was arrested.

1 3.24 After Officer Lam processed Mr. Wingate's arrest, Officer Campbell escorted
2 the still handcuffed Mr. Wingate to a transport van. The doorway to the van is approximately
3 20 inches from the ground.

4 3.25 Mr. Wingate stumbled as he attempted to climb into the van with his hands
5 cuffed behind his back. Officer Campbell eventually kicked a small step stool from behind the
6 van for Mr. Wingate to use as a step into the van.

7 3.26 Mr. Wingate sat alone and handcuffed in the van for approximately 20 minutes
8 as Officer Campbell drove him to the King County Jail.

9 3.27 When Mr. Wingate arrived at the King County Jail, he again was processed. He
10 then was placed in a cell.

11 3.28 Mr. Wingate spent most of the day and the entire night in a King County Jail
12 cell.

13 3.29 Officer Whitlach and Officer Coles made false statements in the police report
14 filed about the incident involving Mr. Wingate.

15 3.30 After arresting Mr. Wingate, Officer Whitlach contacted the City of Seattle
16 Attorney's Office and claimed that Mr. Wingate was "one of the most obstinate, uncooperative,
17 and obstructive suspects [she had] dealt with in [her] 17+ years in patrol," in an attempt to have
18 Mr. Wingate charged with Obstructing a Police Officer.

19 3.31 John Mason, the Assistant City Attorney handling the case, responded that the
20 Obstruction charge was declined because Mr. Wingate was 69 years old and used the golf club
21 as a cane.

1 3.32 To obtain his release, Mr. Wingate entered into a dispositional continuance on
2 the charge of Unlawful Use of a Weapon to Intimidate for having a golf club in his hand. The
3 continuance was dismissed several weeks later by the City Attorney's office.

4 3.33 Before July 9, 2014, Mr. Wingate had no criminal record, had never been
5 arrested, had never been referred to as a defendant, and had never spent any time in jail.

6 3.34 Mr. Wingate is a military veteran. He spent eight months in the Marine Corp
7 Reserves before joining the Air Force. He spent four years on active duty in the Air Force, and
8 more than 15 years in the Air Force Reserves before retiring in 1997.

9 3.35 For approximately 35 years, Mr. Wingate was employed as a bus driver for King
10 County. During the years he drove a bus, Mr. Wingate developed a collegial relationship with
11 City of Seattle police officers.

12 3.36 Mr. Wingate is an active member of his church. On the day he was arrested in
13 July 2014, Mr. Wingate was heading toward The Facts Newspaper office located in the
14 Madrona area of Seattle. On Wednesdays, Mr. Wingate walked to the Facts office to gather
15 several newspapers to deliver to fellow church members now living in an assisted living facility.
16

17 3.37 Mr. Wingate's encounter with Officer Whitlach and his subsequent arrest and
18 incarceration have caused him severe emotional distress. Since his arrest, Mr. Wingate has been
19 treated for post-traumatic stress and depression. He is now fearful of police officers he does not
20 know but whom he encounters in public or at community events.
21

- 1 d. The plaintiff's reasonable attorney fees pursuant to RCW 49.60.030(2) and 42
2 U.S.C. § 1988;
3 e. Costs of suit as provided by RCW 49.60.030(2) and 42 U.S.C. § 1988;
4 f. Prejudgment interest at the highest lawful rate;
5 g. Tax consequences; and,
6 h. Such other and further relief as the Court may deem just and equitable.
7

8 DATED this 23rd day of April, 2015.

9
10 s/ Susan B. Mindenbergs
11 Susan B. Mindenbergs
12 WSBA No. 20545
13 Attorney for Plaintiff William F. Wingate

14 s/ Vonda M. Sargent
15 Vonda M. Sargent
16 WSBA No. 24552
17 Attorney for Plaintiff William F. Wingate
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