



STATEMENT FORM

OPA-IS FILE NUMBER

2015OPA-0117

Date: 4-30-2015	Time: 12:40 p.m.	Place OPA Offices
Statement of: Officer Cynthia Whitlatch		
Statement Taken By: Sergeant Krista Bair		
Transcribed by (Taped/Translated Statements) J. Wicklund		

BAIR: I am Sergeant Bair of the Seattle Police Department. The date is April 30th, and the time is 12:40. The OPA case number is 2015OPA-0117. I'm interviewing Officer Cynthia Whitlatch, who is a named employee. Also present is Officer Kevin Stuckey, her Guild representative. This interview is taking place at Suite 1800, Pacific Building. Please state your name and spell your last name.

WHITLATCH: Cynthia Whitlatch, W-H-I-T-L-A-T-C-H.

STUCKEY: Kevin D. Stuckey, S-T-U-C-K-E-Y.

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

WHITLATCH: Yes.

STUCKEY: 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?

WHITLATCH: 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?

WHITLATCH: Yes.

BAIR: Do you have—?

STUCKEY: Oh, I'm sorry, yes. We would just like—excuse me—like the record to reflect that Officer Whitlatch was brought in, this arrest was screened by her sergeant, she was spoken to by her lieutenant, as well as her captain. She was counseled on this. I think that'd be double-jeopardy that we're now investigating it right now, seeing as how they already did so. She was already counseled, which would, last time I checked, would be an SI. So we're objecting to actually even being in here because this was already handled by her chain of command.



Statement of: Officer Cynthia Whitlatch
Transcribed by: J. Wicklund
Taken by: Sergeant Krista Bair

BAIR: Okay. Officer Whitlatch, do you have independent memory of this incident?

WHITLATCH: Yes.

BAIR: And were you able to watch a little bit of the video beforehand?

WHITLATCH: Yes.

BAIR: Have you had a chance to review your report?

WHITLATCH: I haven't, no.

BAIR: Would you like to?

WHITLATCH: Sure.

BAIR: We're gonna pause.

BAIR: Okay, this is number two. We are going back on. I gave Officer Whitlatch the report that was written by Officer Coles, I believe...

WHITLATCH: Um-hmm.

BAIR: ...so she could refresh her memory. Officer Whitlatch, how long have you had on with this Department?

WHITLATCH: March of 1997.

BAIR: Okay. And where were you currently working back in July of 2014?

WHITLATCH: East Precinct, second watch.

BAIR: Okay. And I already asked you if you had independent memory of this incident. Can you tell me, here is the Google map of the area that you—or the area that you first saw Mr. Wingate.

WHITLATCH: Yeah.

BAIR: Can you tell me, draw on there somehow, where you were in relation to where you turned, what direction, with little arrows or whatever?



Statement of: Officer Cynthia Whitlatch
Transcribed by: J. Wicklund
Taken by: Sergeant Krista Bair

WHITLATCH: Is this north over here?

BAIR: I believe...

WHITLATCH: Let's see...

BAIR: So it looks like this is 11th.

BAIR: Oh, Sam's.

BAIR: Yeah.

WHITLATCH: So it should be like that...

BAIR: Okay.

WHITLATCH: ...'cause Sam's is in here. Okay, so I was...

BAIR: If you wanna put a north somewhere on here, you can.

WHITLATCH: Okay. So I was going this way, and I made a left turn here. And there was big trucks.

BAIR: Right. Saw that on the video.

WHITLATCH: Okay. So of course, you know pedestrian traffic is really heavy...

BAIR: Um-hmm.

WHITLATCH: ...around here and Capitol Hill, in general, so you always have to be careful with pedestrians. So once I passed the truck, I took a look to the left to see if there was gonna be any pedestrians that I would need to wait for before I made my turn, and I saw Mr. Wingate coming. He was in this area here, and he was walking eastbound toward the intersection I was gonna cross, but I felt that I had enough time to get, make my left turn without obstructing his crossing in the crosswalk, so I made the turn. And as I made the turn, out of the corner of my eye I saw movement, so I turned and looked and then heard this big clank, and basically saw that he was hitting the stop sign with a golf club right—now my car would've been like...so you know, I kinda caught it out of the corner of my eyes, so...

BAIR: And you can draw your car there.

WHITLATCH: Okay.

BAIR: That's fine.



Statement of: Officer Cynthia Whitlatch
Transcribed by: J. Wicklund
Taken by: Sergeant Krista Bair

WHITLATCH: So my car was there. Do you have like a Sharpie or something?

BAIR: We'll, we'll, we'll re-emphasize that.

WHITLATCH: I can use that.

BAIR: Oh, nice.

WHITLATCH: So, you know, as I'm, as I'm moving, I see something out of the corner of my eye. I look in my mirror and I see him swinging the golf club, and it hits the stop sign, which I can't quite make out, but it's darn close to the, like right there. So now he's essentially right here.

BAIR: Okay.

WHITLATCH: So I, I thought did I mis-judge? You know, was I too close? Is he swinging it at my car 'cause he's mad 'cause I...

BAIR: Cut him off?

WHITLATCH: ...cut him off?

BAIR: Um-hmm.

WHITLATCH: But I, I don't, I don't think I *was*, and I don't think he's entitled to swing his golf club at my car *anyway*. And then he kinda comes back across with it as he starts to enter the crosswalk. And so since nothing happens, if it's not on video anymore, I immediately engaged my in-car camera because I, I have at times seen that in-car video has captured things out the back window.

BAIR: Um-hmm.

WHITLATCH: So my hope was that maybe it would catch something out the back window, in terms of his behavior, looking at me, to, you know, *anything*...anything to help me substantiate this. So that's why I turned it on. And then so I'm looking at him at the back, through the back of my car, and he's already, you know, crossing the crosswalk. So I decide to go around the block and attempt to contact him because it would be a more tactical position for me to be facing him instead of having to try and make a U-turn in an area where it's almost impossible—I mean it's really, the traffic here is terrible. So this picture there's no cars parked in the parallel parking areas...

BAIR: Um-hmm.

WHITLATCH: ...but it, it, at that time...



Statement of: Officer Cynthia Whitlatch
Transcribed by: J. Wicklund
Taken by: Sergeant Krista Bair

BAIR: It's a tight area.

WHITLATCH: ...it was full, and there's just not any room to turn around, really. So I went around the block thinking that there's a pretty good chance I would catch up with him at the next corner.

BAIR: Okay. So, thank you for explaining that. So when you, when you were on East Pike and you decided to turn left or northbound, you *did* have to go around a rather large truck—it's caught on in-car video—so you took kind of a wide turn and turned on 11th Avenue. You said you were conscientious of the fact that there was a lot of pedestrian traffic there.

WHITLATCH: Oh, yeah.

BAIR: And you drew your car, and I know this is not to scale, but when you drew your car, are you in the crosswalk when you, when you entered the crosswalk, was Mr. Wingate yet entered the street?

WHITLATCH: No, no.

BAIR: So he was still up on the sidewalk?

WHITLATCH: He was still on the sidewalk. It juts out there and, yeah, he was still on the sidewalk.

BAIR: Okay.

WHITLATCH: He was, he was west of the stop sign, which is up on the sidewalk.

BAIR: Okay, the, the stop sign is on the sidewalk?

WHITLATCH: Yes.

BAIR: Okay, so he was even further behind, further west than this stop sign.

WHITLATCH: And yeah, but not any farther away than it would take to hit it with a golf club.

BAIR: Okay, so he's within golf club reach of the stop sign, west of it.

WHITLATCH: Um-hmm.

BAIR: All right. And so did he hit your car?

WHITLATCH: No, un-huh.



Statement of: Officer Cynthia Whitlatch
Transcribed by: J. Wicklund
Taken by: Sergeant Krista Bair

BAIR: And when you said you saw him out of the corner of your eye swinging the golf club and then you heard him hit the stop sign, what, what, what was it that you were thinking at that time?

WHITLATCH: Did he just swing that golf club at my car?

BAIR: Okay.

WHITLATCH: *(Laughs)*

BAIR: And why did you think it was at your car and not the stop sign?

WHITLATCH: Because the stop sign was very...now the, it's hard to, on the drawing...

BAIR: Sure.

WHITLATCH: Okay, so the roadway there is narrow, and if you, if there was a car parked going south...

BAIR: Um-hmm.

WHITLATCH: ...and a car making a left, you have—it's really tight. The lanes are small. So when I made the left turn...I drew it so that you see that I'm kind of over...

BAIR: Um-hmm.

WHITLATCH: ...'cause there was no oncoming car. So I'm really not that far from the curb. I'm actually pretty darn close to the curb, maybe two feet.

BAIR: So you're almost—are you in incoming traffic lane?

WHITLATCH: I am—

BAIR: Cause is this a two-way lane road?

WHITLATCH: It is, but it's unmarked. And it can be a one-lane road. Depending on the positioning of the vehicles, it's hard to get through. So—

BAIR: But traffic is allowed to go both north and south?

WHITLATCH: They are allowed both ways like any residential street.

BAIR: Okay.



Statement of: Officer Cynthia Whitlatch
Transcribed by: J. Wicklund
Taken by: Sergeant Krista Bair

WHITLATCH: Okay. So yes, I'm cutting here, but—and I'm pretty darn close to the curb...

BAIR: Okay.

WHITLATCH: ...so I'm probably not...

BAIR: And you think it—

WHITLATCH: ...more than five or six feet from the stop sign.

BAIR: Okay.

WHITLATCH: Does that help?

BAIR: Yes.

WHITLATCH: Okay.

BAIR: Thank you. So you're about five or six feet from the stop sign, about two feet or so away from the curb...

WHITLATCH: Uh-huh.

BAIR: ...and going northbound. All right. So do you believe if he reached out with the golf club he *could've* touched your car?

WHITLATCH: I think...I'm not sure if he could have or not.

BAIR: Okay.

WHITLATCH: He would've had to lunge for my car.

BAIR: Okay. All right, but ultimately this was what brought your attention and this was your concern?

WHITLATCH: Yes.

BAIR: Okay. And you stated you immediately activated your in-car video, based on policy, 'cause you were planning on contacting him.

WHITLATCH: Yes, and I wanted to see if it would capture any further behavior.



Statement of: Officer Cynthia Whitlatch
Transcribed by: J. Wicklund
Taken by: Sergeant Krista Bair

BAIR: Okay. What was your intention upon contacting him? What was your intention for contacting him?

WHITLATCH: Well, I, it's an aggressive move to swing a golf club and—at *any* car, let alone a patrol car, and so my intention was to find out what was going on with him. Was he angry at something? Was he angry at the police? Was he angry at me because he thought I cut him off? Was he mentally ill and having an episode of some sort, that he might be a danger to any other people in the area? I need to know, you know, basically to find out what's going on with him and why he would have done something aggressive like that.

BAIR: Okay. So at that point it was strictly investigative?

WHITLATCH: Yeah, um-hmm.

BAIR: Okay. And did you call it out over the radio prior to contacting him?

\\

WHITLATCH: No.

BAIR: And why not?

WHITLATCH: Well, I wasn't sure if he was gonna be there, and I, when I pulled up he was right at the corner and was, just didn't have time to get out and get on the radio.

BAIR: Okay, so you determined that you were gonna contact him without calling for back-up at that point?

WHITLATCH: Yes. I...yeah, no...I mean if I knew he was gonna be standing on corner and I was gonna contact him, I probably would've said I'm gonna be out with so and so, can I see another unit, but really, I thought, I didn't even know if he was gonna be there or not. And, and I know...he didn't hit my car, so I know given the climate today, if I didn't have a dent in my car, as officers, we're really not allowed to be victims, per se, and so I kinda was like well, if I see him at the corner I'll stop him, if I don't, so be it.

BAIR: Okay.

WHITLATCH: So that's why I didn't call for anybody ahead of time. I just was I'm gonna go around the block, if he's there, I'll talk to him, if not, then I won't talk to him.

BAIR: Okay, so when you decided to contact him, can you tell me what you, your lawful purpose at that point?

WHITLATCH: My lawful purpose was to stop him and find out why he swung the club, in my belief, at my patrol car, and determine what his state of mind was.

BAIR: Did you believe this was a social contact, a Terry Stop, or a probable cause?



Statement of: Officer Cynthia Whitlatch
Transcribed by: J. Wicklund
Taken by: Sergeant Krista Bair

WHITLATCH: It's a Terry Stop.

BAIR: Okay. So knowing the definition of a Terry Stop, can you tell me what possible crime was being committed, was suspected of that being committed or was in the process of being...?

WHITLATCH: (*Laughs*) Well, I felt he had attempted to swing at my, at my car, and he, you know, in a threatening manner, so I felt he had made a threat toward a police officer.

BAIR: Okay, so you were stopping him to investigate what the situation was, but your lawful purpose, you are stating it was a Terry Stop to investigate possible threats to your, to your being in the car.

WHITLATCH: Right.

BAIR: Okay. All right.

WHITLATCH: It would be kinda like if somebody threw a rock at my car, but they didn't hit it.

BAIR: Okay.

WHITLATCH: I would stop them because they threw a rock at my—toward my car, even though they didn't hit it.

STUCKEY: You also mentioned that there was a lot of people around.

WHITLATCH: Yeah.

STUCKEY: Would it also be reasonable to assume that you wanna make sure that he's not going to attack someone with that golf club?

WHITLATCH: Yeah, I, I mean if he's willing to swing a golf club at my car, then there's, you know, that was the other component is he having a mental illness—there's a lot of mental illness up there—is he having an episode that he could be a danger to other people that...along the way?

BAIR: Okay.

WHITLATCH: So.

BAIR: Now on your in-car video, you actually stated at the end that you were going to stop the video to watch from the beginning to see if you were able to capture the swing of the club on the in-car video.



Statement of: Officer Cynthia Whitlatch
Transcribed by: J. Wicklund
Taken by: Sergeant Krista Bair

WHITLATCH: Yeah.

BAIR: And you had stated it was swung as you turned the corner and you weren't sure if in-car video captured it...

WHITLATCH: Yeah.

BAIR: ...and then we don't have any more video for you. Do you know if that actually got captured?

WHITLATCH: As—no, I reviewed it. It didn't get captured. And the sun was out and so the back window idea was out the door because it just was like this big white blur.

BAIR: Okay.

WHITLATCH: So when he came back across with it...

BAIR: Um-hmm.

WHITLATCH: ...that's kinda the part I was hoping it would capture.

BAIR: Um-hmm.

WHITLATCH: There was nothing.

BAIR: So I'm gonna describe your physical action there. So you stated when you said out of the corner of your eye you saw movement and then you heard the clang on the stop sign, did you see him swing prior to hearing the clang?

WHITLATCH: Yes.

BAIR: And then you heard the clang.

WHITLATCH: Yeah.

BAIR: And then he came *back* with the golf club?

WHITLATCH: Right, 'cause he swang it, he hit the...

BAIR: So...

WHITLATCH: Now he's still walking the whole time.



Statement of: Officer Cynthia Whitlatch
Transcribed by: J. Wicklund
Taken by: Sergeant Krista Bair

BAIR: Okay, so he's...

WHITLATCH: So...

BAIR: ...walking.

WHITLATCH: ...he's moving.

BAIR: Uh-huh.

WHITLATCH: So he's walking, he swings the golf club...

BAIR: His right hand?

WHITLATCH: ...which I didn't see.

STUCKEY: Right hand.

WHITLATCH: I just caught the motion out of the...

BAIR: Sure.

WHITLATCH: ...corner of my eye, looked back, hit—hear the golf club hit the stop sign, look and see it coming back around, and he's now getting into the crosswalk...

BAIR: As you pass through.

WHITLATCH: ...as I pass through. I'm actually now just out of the crosswalk, and I'm like *I didn't cut him off...*

BAIR: Um-hmm.

WHITLATCH: ...and he just swang that golf club at my *car*.

BAIR: So your description that you had there was with his right hand he had it above his, above his shoulder, he had the golf club raised above his head...

WHITLATCH: Uh-huh.

BAIR: ...and was going at a diagonal, diagonal motion from right to left, low. Is that correct?

WHITLATCH: I, what I saw was just the blur of it.



Statement of: Officer Cynthia Whitlatch
Transcribed by: J. Wicklund
Taken by: Sergeant Krista Bair

BAIR: Okay.

WHITLATCH: I just caught the motion of it. So I didn't...

BAIR: And did you—?

WHITLATCH: ...see him raise it up above his hand, but I saw like the motion of it come down, and then I heard the clang and looked and saw it coming back out—off.

BAIR: Okay.

WHITLATCH: And I could see he was looking directly at my car.

BAIR: Um-hmm.

WHITLATCH: And as he was entering the crosswalk he was still looking at my car holding his golf club. And I'm like he wasn't just...he...that, to me, that eye contact and that turning of the body, I was like he *did* just swing that golf club at my car.

BAIR: Okay.

WHITLATCH: And then he continued...

BAIR: Continued on.

WHITLATCH: ...eastbound.

BAIR: Okay, so I just wanna clarify. That was me describing your actions, but *you* clarified that you did *not* actually see him swing the golf club. You saw a blur and hit the, and hit the stop sign. Did it hit the post of the stop sign?

WHITLATCH: Yeah, it's a metal post.

BAIR: So it hit the post of the stop sign. But then you did actually see him raise it back up above his...

WHITLATCH: Uh-huh.

BAIR: ...raise it back up?

WHITLATCH: Yeah.

BAIR: And then he was, you passed through the intersection, and he was walking eastbound...



Statement of: Officer Cynthia Whitlatch
Transcribed by: J. Wicklund
Taken by: Sergeant Krista Bair

WHITLATCH: Yes.

BAIR: ...but you passed through the intersection northbound and you're stating that while he was in the intersection he turned his body northbound with the golf club in his hand...

WHITLATCH: Yes.

BAIR: ...raised. Where was it raised? Was it parallel to the ground? 'Cause that's what it looked like you were doing.

WHITLATCH: Yeah, it's kinda like just up...

BAIR: Okay.

WHITLATCH: ...parallel to the ground.

BAIR: So he was not using it as a cane...

WHITLATCH: No, no.

BAIR: ...at that point. Okay. Did you see him using it as a cane at any time prior to contact?

WHITLATCH: I don't recall...

BAIR: Okay.

WHITLATCH: ...see him use it as a cane.

BAIR: Okay. And then you stated he was looking *after* you trying to make eye contact. Is that right?

WHITLATCH: Yeah, he was looking right at my car, right toward me. I was...there were no other vehicles coming the other direction...

BAIR: Um-hmm.

WHITLATCH: ...and there were no other vehicles beside me, behind me or coming from behind me, so.

BAIR: And the golf club was raised. Did he do anything with that golf club?

WHITLATCH: Not after that. That was it.



Statement of: Officer Cynthia Whitlatch
Transcribed by: J. Wicklund
Taken by: Sergeant Krista Bair

BAIR: Okay. Did he, did he look like he was talking?

WHITLATCH: I couldn't tell.

BAIR: And do you recall his facial expression?

WHITLATCH: Well, it was angry, you know, furrowed brow.

BAIR: Scowl.

WHITLATCH: Scowl. He had a scowl on his face.

BAIR: Okay. All right. And so with all of that, you decided possibly he had an issue with you...

WHITLATCH: Yeah.

BAIR: ...and you wanted to turn around and contact him.

WHITLATCH: Or, he's got some kind of mental issues.

BAIR: Okay. All right. And so you turned around and you made—or not turned around, you went around the block—and you decided to make contact with him. When you initially got out the car and made contact with him, you told him to put the golf club down. Why did you say that?

WHITLATCH: Well, he had just swung it at me, so I...it's a weapon.

BAIR: Um-hmm.

WHITLATCH: And he just swung it at me, so I felt like he should probably put it down if I'm gonna have a conversation with him. I'd feel safer.

BAIR: Okay.

WHITLATCH: But the thing is, what nobody notices is I, I actually really couldn't see that he had the golf club.

BAIR: What do you mean you couldn't see it?

WHITLATCH: Well, when I stopped him he had it positioned, his hand behind his hip, and the golf club behind his right leg. It was obstructed.

BAIR: Um-hmm.



Statement of: Officer Cynthia Whitlatch
Transcribed by: J. Wicklund
Taken by: Sergeant Krista Bair

WHITLATCH: And so I got out and I said put the golf club down, and then I'm like does he even still *have* it, 'cause I couldn't see it.

BAIR: Okay.

WHITLATCH: And I think I said that on the video. I said you *do* still have your golf club, or something like that, 'cause I couldn't tell he even had it, still.

BAIR: Okay.

WHITLATCH: So I thought maybe he'd swung it at me, and you know when you do that, then the cops come and you drop the weapon or whatever, so you...

BAIR: Right.

WHITLATCH: So, but he *did* still have it.

BAIR: And when were you aware that he still had it?

WHITLATCH: As soon as I said something, I said that, he pulled it out from behind him.

BAIR: Okay.

WHITLATCH: And I don't think he used it again for support after that. So it did go through my mind whether or not he needed that golf club as support, or not, because he was using it in a way that appeared to be like a cane. But once he pulled it up and he never really again put it in a position where he needed it for support at any time, I don't think, at all. Even when he walked over to give the club later to the other officers, he never used it as a cane. So I realized that he, pretty early on, that he didn't need it to support himself, and that's why I felt like, you know, he could put it down. I wasn't asking a disabled man to drop his cane so he would fall down.

BAIR: Okay. You said that you believe he didn't use it for support. And when I asked you if you thought he had used it for support originally when you saw him near the stop sign, were you able to determine, had you seen...I don't remember—

WHITLATCH: I never saw him really using it. I mean you see him walking with it.

BAIR: Right.

WHITLATCH: I saw him walking with it, but I didn't see him...I didn't really know if it was necessary for him to use it for support.



STATEMENT FORM
CONTINUATION SHEET

Statement of: Officer Cynthia Whitlatch
Transcribed by: J. Wicklund
Taken by: Sergeant Krista Bair

BAIR: Okay. All right. So let's see here. When you told him to drop the golf club and he didn't, what was his response?

WHITLATCH: I don't recall what his first response was.

BAIR: Okay. What was his response to you asking him multiple times to put the golf club down?

WHITLATCH: He didn't want to do it. I think one of the reasons was he didn't want me to take it away from him, so I tried to de-escalate that by telling him I'm not gonna take it away from him, I just want you to put it down. And then...

BAIR: Did you tell him you weren't gonna take it away from him?

WHITLATCH: Yeah, I told him I wasn't gonna take it away from him.

BAIR: Okay.

WHITLATCH: And he brought up another issue, too, with the golf club, and I addressed that.

BAIR: What was the other issue?

WHITLATCH: I can't remember. I'd have to look at the video.

BAIR: Sure. You wanna look at the video?

WHITLATCH: Sure.

BAIR: Okay. I don't know how to pause the recording, so it's still recording right now. Actually, I'm gonna stop it since I can't get the video back on at this moment.

BAIR: Okay, this is three for 2015OPA-0117. So you had stated that you told him to put the golf club down, his response was he wasn't gonna put it down, and then you wanted to see the video to clarify something.

WHITLATCH: Yeah, so he, he said something about me taking it away from him...

BAIR: Uh-huh.

WHITLATCH: ...and I said I'm not planning on taking it away from him.

BAIR: Okay. Was that what you were looking for on the video?



Statement of: Officer Cynthia Whitlatch
Transcribed by: J. Wicklund
Taken by: Sergeant Krista Bair

WHITLATCH: I think so, yeah.

BAIR: Okay. Yes, I actually have...it says on the in-car video, Wingate tells Whitlatch, this is my golf club, Whitlatch tells Wingate that she's not going to take it from him, but it is a weapon and to set it down, he begins to argue and talks about having his golf club for many, many years. Let's see. Did you consider...did you use de-escalation tactics?

WHITLATCH: I did as best I could.

BAIR: What did you use?

WHITLATCH: I stayed where I was.

BAIR: Um-hmm.

WHITLATCH: I asked him please, I tried to address his concerns about me taking his club, I ended up calling additional officers. Basically I left him where he was rather than try to aggravate the situation by approaching him, but telling him that he's not free to leave.

BAIR: Okay. Did you consider any other alternatives at that time that you either used or decided not to use?

WHITLATCH: Well, I'm not sure what else I could've done except get back in my car and leave.

STUCKEY: Were you in uniform?

WHITLATCH: I was.

STUCKEY: You were in full uniform that day?

WHITLATCH: Yes.

STUCKEY: Did you have your service weapon?

WHITLATCH: I did.

STUCKEY: Was that visible? Do you think Wingate saw that?

WHITLATCH: No. I was behind my driver's door for protection...

STUCKEY: So you weren't...



Statement of: Officer Cynthia Whitlatch
Transcribed by: J. Wicklund
Taken by: Sergeant Krista Bair

WHITLATCH: ...in case he was—

STUCKEY: ...you weren't far enough away?

WHITLATCH: Yeah.

STUCKEY: Keep a distance?

WHITLATCH: Yeah.

BAIR: So you decided not to approach him?

WHITLATCH: No, I didn't wanna approach him if he's holding a golf club...

BAIR: Okay.

WHITLATCH: ...'cause he had just swung it, and it *is* a weapon.

BAIR: All right. And then you said you saw, you were concerned for other people's safety regarding this individual. There were people right standing next to him on the sidewalk. Can you explain as to your actions regarding that?

WHITLATCH: Well, like I said, I didn't know if his anger was directed solely at me as a police officer or as a woman police officer or, or what, or if he was mentally ill and he was a threat to other people, 'cause I hadn't seen him swinging at any other people. But during my contact with him he kept the cane—he kept the golf club down.

BAIR: Um-hmm.

WHITLATCH: So I didn't see him attempting to make a threat at anybody *else*.

BAIR: Um-hmm.

WHITLATCH: So although he was somewhat irrational, I basically was led, he kinda led me to believe that it was more directed at me than others.

BAIR: Okay. And he kept telling you to call somebody else...

WHITLATCH: Um-hmm.

BAIR: ...wanted a witness, call somebody else. Did you tell him that you were gonna call somebody else?

WHITLATCH: Yeah.



Statement of: Officer Cynthia Whitlatch
Transcribed by: J. Wicklund
Taken by: Sergeant Krista Bair

BAIR: Okay. And...

WHITLATCH: And I did.

BAIR: ...and you ultimately did.

WHITLATCH: I'm not really sure that he wanted a witness.

BAIR: Um-hmm.

WHITLATCH: To be honest with you, I think he wanted a male officer...

BAIR: Okay.

WHITLATCH: ...'cause as soon as the male officers arrived, he completely and utterly de-escalated *his* tone and provided them with the golf club and complied with every single thing they said.

BAIR: Okay. Did it appear, you said that you weren't sure if he was suffering from mental illness, can you, knowing what you know *now*, do you believe, can you tell me what other things may have contributed to his, to his interaction with you...

WHITLATCH: Well, I can only...

BAIR: ...given his—?

WHITLATCH: ...speculate because of his age and his demeanor and the change in demeanor when male officers arrived that he has an issue with me as a female officer...

BAIR: Okay.

WHITLATCH: ...and that maybe he just wasn't gonna do what a girl told him to do.

BAIR: How old would you say he was?

WHITLATCH: I probably would've guessed late sixties, maybe early seventies.

BAIR: So you're attributing this possibly to generational issues?

WHITLATCH: It could be a generational thing, yeah.



Statement of: Officer Cynthia Whitlatch
Transcribed by: J. Wicklund
Taken by: Sergeant Krista Bair

BAIR: Okay. And you already said that you didn't see him really using the golf club for support. It appeared as if he might have had some issues hearing you, and yet he responded to you, as well. I saw him take out a headphone.

WHITLATCH: Yeah.

BAIR: Can you address that?

WHITLATCH: Sure. What you can't see in the picture is that 12th Avenue, of course, is an arterial and it's very heavily travelled and it was being heavily travelled at that time. And also on the adjacent corner, the northeast corner, there was an ongoing construction project, project right then, so between him at first saying that, you know, he couldn't hear me and the construction project and the traffic, I raised my voice in hopes that he would be able to hear what I was saying.

BAIR: And did he respond to some questions?

WHITLATCH: He did respond after that and never seemed to have trouble hearing me after that.

BAIR: Okay. So you recognized that...you recognized all of that...

WHITLATCH: Oh, yeah, totally.

BAIR: ...that this might contribute to his having a hard time hearing you?

WHITLATCH: Um-hmm.

BAIR: Can you tell me what race this individual is?

WHITLATCH: Yeah, he's black.

BAIR: And when did you become aware that he was black?

WHITLATCH: Back at 11 and Pike, when I turned.

BAIR: Was that just a visual cue...

WHITLATCH: Yeah.

BAIR: ...that you were aware?

WHITLATCH: Yeah.

BAIR: Okay. Did that play a race—did that play a role in your interactions with him?



Statement of: Officer Cynthia Whitlatch
Transcribed by: J. Wicklund
Taken by: Sergeant Krista Bair

WHITLATCH: Absolutely not. And it's actually quite insulting that I'm being accused of that. And I have, I'm not really sure I would be here if *my* race was different, so I'm kind of upset about that.

BAIR: You're not sure if you would be here if your race was different?

WHITLATCH: Yeah.

BAIR: It, can you explain that?

WHITLATCH: Would I be here if I was black?

BAIR: Okay. All right. Did Mr. Wingate ever complain about being targeted because he's black?

WHITLATCH: Well, that's the other thing. Mr. Wingate didn't say a word about it.

BAIR: To you on the scene?

WHITLATCH: To me on the scene, to the other officers or any other time I know of, until he got involved with the media and his attorney.

BAIR: Okay. So I'll, so I'll just clarify that to, to complete that section of this complaint. He never brought it to your attention that he felt he was being targeted based on his race.

WHITLATCH: Correct. And he wasn't.

BAIR: Okay. And you did not have anybody bring it to your attention on this day that he made a complaint to anybody else about that same allegation.

WHITLATCH: That's correct.

BAIR: Okay.

WHITLATCH: That includes the two other officers and the supervisor that screened the arrest.

BAIR: And did the supervisor, were you privy or were you there when the supervisor screened the arrest with Mr. Wingate?

WHITLATCH: No, I didn't go into the holding cell.

BAIR: Did you learn, did you talk to the supervisor afterwards about his screening of the arrest?

WHITLATCH: I believe so, yeah...



Statement of: Officer Cynthia Whitlatch
Transcribed by: J. Wicklund
Taken by: Sergeant Krista Bair

BAIR: Do you—

WHITLATCH: ...but I don't remember what was said. There was something I was just gonna say...I can't remember.

BAIR: That's okay. You can't necessarily remember what...and was this Sergeant...which sergeant was this?

WHITLATCH: I think it was Joel Williams.

BAIR: Okay. So in the report, the, the sergeant that screened the report was Sergeant Lam.

WHITLATCH: Oh, so Chris Coles and Silva, that's their sergeant...

BAIR: Okay.

WHITLATCH: ...so I bet that's why it was screened with Lam.

BAIR: Okay, but you believe Joe...is it Joe or Joel?

WHITLATCH: I'm mistaken, then, if it—I'm mistaken. It would've, if Chris put it in...

BAIR: That it was screened?

WHITLATCH: ...that he spoke with Joes, he spoke with Joe Lam.

BAIR: Okay.

WHITLATCH: That's their sergeant...

BAIR: Okay.

WHITLATCH: ...which would make sense.

BAIR: And you believe that...do you recall having a conversation with Sergeant Lam regarding this incident?

WHITLATCH: Not really.

BAIR: Okay, but again, you, you don't recall.



Statement of: Officer Cynthia Whitlatch
Transcribed by: J. Wicklund
Taken by: Sergeant Krista Bair

WHITLATCH: I probably did, though. I mean I don't recall if I did, but it would be really odd if I didn't explain...

BAIR: Sure.

WHITLATCH: ...to him what happened before the other officers got there.

STUCKEY: Who wrote the report?

WHITLATCH: Chris Coles.

STUCKEY: So this was—okay, so that, that's, so that would've been *they* screened it.

WHITLATCH: Yeah, they screened it.

BAIR: So the sergeant that, regardless, not remember the conversation with the sergeant that screened the call, do you believe you would've recalled if somebody made an allegation about Bias?

WHITLATCH: Oh, absolutely, 'cause we'd be required to write a Bias report.

BAIR: Okay. All right. Have you ever seen this man before?

WHITLATCH: Un-huh.

BAIR: That day?

WHITLATCH: No.

BAIR: Okay. And then when did you decide you were going to arrest him?

WHITLATCH: I took his ID and I sat in the car and I ran his name. And I didn't really want to arrest him but at the point I was so committed to this and it, I mean he's being extremely hostile, he's really being very obstructive, more obstructive than almost anybody else I've ever dealt with. I mean I followed the protocol...drop it, explained I'm not gonna take it, and what's gonna happen if he *doesn't* do it, that he would be subject to arrest for Obstruction and...so at that point I'm just like well, it's not a great situation, but I'm gonna, I'm gonna have to...I'm kinda committed so I'm gonna arrest him.

BAIR: Okay. I know you said you didn't *want* to arrest him.

WHITLATCH: Well, you know, he's elderly, and my initial attention—intentions when I contacted him was, you know, find out what was going on with the whole swinging of the golf club...



Statement of: Officer Cynthia Whitlatch
Transcribed by: J. Wicklund
Taken by: Sergeant Krista Bair

BAIR: Um-hmm.

WHITLATCH: ...but his aggression was still at the same level it was when he swung the golf club at me.

BAIR: Um-hmm.

WHITLATCH: And he was being obstructive, and, you know, at some point I just have to decide what to do, so I decided the best thing to do at this time, given this situation and all of the circumstances that have happened, an arrest was warranted.

BAIR: While watching the video, did you believe that your verbal interaction with him was sufficient or do you believe you could've elaborated, elaborated on some of those commands that you were giving him, explain the situation a little bit more?

WHITLATCH: I, I don't really feel like he was very open to it. I mean I, I felt like I was giving him his options. I was asking him to *please* do it.

BAIR: Um-hmm.

WHITLATCH: I considered whether or not he was using it as a cane. He never indicated to me that he needed it for support, that if he put it down, it would be problematic for him.

BAIR: Why didn't you ask him if he needed it for support?

WHITLATCH: I don't know. I just didn't.

BAIR: Okay.

WHITLATCH: I just was observing him...

BAIR: Sure.

WHITLATCH: ...physically.

STUCKEY: How long did this, this incident take place? How long, do you think, from beginning to end...

WHITLATCH: Well, it was...

STUCKEY: ...to walk to the precinct? 'Cause I assume you...

WHITLATCH: (Unintelligible).

STUCKEY: ...were very close to the precinct.



Statement of: Officer Cynthia Whitlatch
Transcribed by: J. Wicklund
Taken by: Sergeant Krista Bair

WHITLATCH: Yeah, we're just half a block away. I think...I don't know. You can look at the video. It's probably only like 20 seconds or 25 seconds, probably.

STUCKEY: So this was a pretty rapid, dynamic kinda scene?

WHITLATCH: Yeah, in terms of, you know, me pulling up and having this interaction with him to the point where the officers arrive and he actually stops his behavior.

STUCKEY: Um-hmm.

WHITLATCH: Yeah, that's—

STUCKEY: Do you feel like you were clear when, when you were asking him to drop the cane?

WHITLATCH: Yes. I, well, you know, we're trained to do that. We're trained to give them verbal commands, not only for the suspect, but for the people that are surrounding, so people understand what's going on, and you give them plenty of time to kinda absorb what you're asking them to do. And then we're also trained to tell them the consequences of their actions if they *don't* comply with your lawful orders...

BAIR: Um-hmm.

WHITLATCH: ...which I did. It wasn't meant to be a threat. It was meant to let him know what the consequences are. I felt he was pretty irrational.

STUCKEY: Um-hmm.

WHITLATCH: And I'm not really sure if I had...I really don't think he could give a crap about what I was gonna say. I could've asked him to...anything, and he would probably say no. I don't think he was gonna do *anything* I asked him to do.

BAIR: Okay. And so then you, it says...so let's just go through the allegations for a second. So you have Professionalism, and it talks about exercise of discretion. You obviously decided you had enough for a Terry Stop to contact him, based on the threats of his swinging the car...

WHITLATCH: Yes.

BAIR: ...or swinging the *cane*, excuse me...

WHITLATCH: Yes.

BAIR: ...*golf club*, actually.



Statement of: Officer Cynthia Whitlatch
Transcribed by: J. Wicklund
Taken by: Sergeant Krista Bair

STUCKEY: Club.

WHITLATCH: Swung the car.

BAIR: Swung the car.

WHITLATCH: (Laughs)

BAIR: Swung the golf club. And you were concerned and wanted to investigate. And at that point it was investigated although it was still a Terry Stop. Is that accurate?

WHITLATCH: Yeah.

BAIR: Okay. Had he complied would this have, would you have had different intentions?

WHITLATCH: Well, the outcome would've been tremendously different.

BAIR: Excuse me, yes, that's what I meant.

WHITLATCH: Yeah. I would've talked to him. I would've identified him. I would've run his name. I would've asked him for...I would've asked him why.

BAIR: Um-hmm.

WHITLATCH: I would've explained what the perception was, *my* perception of what his behavior was. Odds are, I probably would've...well, I'm *sure* I would have written a report about it, but I probably would have given him, given him a case number and sent him on his way.

BAIR: Okay. And then even when you stated you were still, still committed at this point, and you got him to the precinct, was interviewing and releasing ever an option, an I&R from the precinct?

WHITLATCH: Not...no.

BAIR: Why not?

WHITLATCH: Well, given everything that had occurred I...

BAIR: So you made the decision...

WHITLATCH: ...really didn't feel that...



Statement of: Officer Cynthia Whitlatch
Transcribed by: J. Wicklund
Taken by: Sergeant Krista Bair

BAIR: ... (Unintelligible).

WHITLATCH: ...you know, he had had plenty of opportunity to change the course of the outcome, and...

BAIR: Do you remember yourself screening this arrest with anyone at the, at the, at the time?

WHITLATCH: I remember talking about it, but I, I probably did talk to Joe, but I don't remember specifically talking to the sergeant about it. I know I talked to Chris, 'cause I had to tell him the details of what happened before they got there so he could put it in the report.

BAIR: Um-hmm. So you keep saying Joe, and I don't know if you mean...I don't know, is—

WHITLATCH: Oh, Sergeant Lam.

BAIR: Lam? Okay.

WHITLATCH: I'll try to be formal.

BAIR: So do you know if another—you were acting sergeant that day. Is that right?

WHITLATCH: Yeah, so Joe wouldn't have even been there.

BAIR: Okay.

WHITLATCH: Yeah.

BAIR: So it's Joe Lam.

WHITLATCH: Joe Lam.

BAIR: Okay.

WHITLATCH: This is all Joe Lam.

BAIR: Okay. I just wanna make sure.

WHITLATCH: Yeah.

BAIR: So you were acting sergeant.

WHITLATCH: Yeah.

BAIR: So you needed somebody to screen this anyway.



Statement of: Officer Cynthia Whitlatch
Transcribed by: J. Wicklund
Taken by: Sergeant Krista Bair

WHITLATCH: Yes.

BAIR: You couldn't screen this.

WHITLATCH: Yes.

BAIR: Is that correct? So when you screened it, and I, and I'm just making sure...

WHITLATCH: Well, see...

BAIR: ...so *did* you screen it?

WHITLATCH: See, I didn't make the, the actual arrest.

BAIR: Well, it was under your—

WHITLATCH: I told those guys arrest him, but what happened was we get to the precinct and then we're like well, technically, I'm the victim...

BAIR: Um-hmm.

WHITLATCH: ...so I can't technically write the report.

BAIR: Um-hmm.

WHITLATCH: So then...

BAIR: Do you believe they screened the arrest?

WHITLATCH: ...thereby, those guys become the primary officers, and I'm assuming they screened the arrest. It, does it say in the report? Does it say?

BAIR: Yeah, it says, it says he screened the arrest.

WHITLATCH: Yeah, then he screened it.

BAIR: Well, it just says Sergeant Lam screened the arrest.

WHITLATCH: Oh.

BAIR: It doesn't say I'm the one that screened it with Sergeant Lam.



Statement of: Officer Cynthia Whitlatch
Transcribed by: J. Wicklund
Taken by: Sergeant Krista Bair

WHITLATCH: Well, my guess is he got, he got input from all of us.

BAIR: Okay. Do you recall having a conversation with Sergeant Lam about this arrest?

WHITLATCH: I don't.

BAIR: Okay. Did anybody tell you this man should not be arrested and he should be interviewed and released at this time?

WHITLATCH: Absolutely not.

BAIR: Okay.

WHITLATCH: May I say something...

BAIR: Please.

WHITLATCH: ...about the golf club?

BAIR: Sure.

WHITLATCH: So the golf club, when I actually got the golf club from him...

BAIR: Um-hmm.

WHITLATCH: ...the club part of it—

BAIR: Did you get it from him or did the male officer get it from him?

WHITLATCH: The male officer, but I inspected it.

BAIR: Okay.

WHITLATCH: The golf club, club part of it had been either ground down by a grinder or I don't know if he swung it against the concrete all the time, but it was ground down to the point where the edge of the club was like a dull knife. It was that sharp.

BAIR: Um-hmm. Okay. I wanted to address the fact that Officer Stuckey brought up that his objection is that you were already *counseled* for this. In what manner were you counseled for this?

WHITLATCH: Captain Davis and Lieutenant Grenon and Sergeant Joel Williams met with me in the captain's office and we went over the video of it.



Statement of: Officer Cynthia Whitlatch
Transcribed by: J. Wicklund
Taken by: Sergeant Krista Bair

BAIR: How far after this incident did this conversation happen? Estimate.

WHITLATCH: I'm kind of bad about times. It's, it probably would've been within a few weeks after the incident occurred, because I think the captain had gotten phone calls from concerned...

BAIR: Concerned citizens?

WHITLATCH: Um-hmm.

BAIR: Okay, so a few weeks after the fact...

WHITLATCH: Um-hmm.

BAIR: ...you had a meeting with the three of them, and how, what (unintelligible)?

WHITLATCH: Well, they played the video for me and then we talked about the situation and I explained some things that they didn't know about because they felt that the, my voice was raised, and they, so there was, I don't know, they were concerned about that. But when I explained to them that there was construction right next to us, and the traffic, and that he was having trouble hearing, that was resolved. And then, you know, Captain Davis kinda put it one way. He goes it's kinda awful but it's lawful. You know, nobody wants to arrest an elderly person, including myself.

BAIR: Um-hmm.

WHITLATCH: But at some point, you know, if they're doing what they're doing, they kinda write their own ticket for it. You're kinda committed to taking some kind of enforcement action. And so...I forget...what other...is there anything else he brought up about it?

BAIR: Did any of them suggest that and I&R should've been used or that another...

WHITLATCH: Oh, no.

BAIR: ...disposition should've happened?

WHITLATCH: No, not at all.

BAIR: Okay.

WHITLATCH: I mean they were fine with everything that happened. I felt supported in my arrest still, but they, you know, it's just one of those kind of situations that's not a great situation, but the suspect kinda puts himself in a bad spot and...



Statement of: Officer Cynthia Whitlatch
Transcribed by: J. Wicklund
Taken by: Sergeant Krista Bair

BAIR: Did any of them give you any indication weeks later that Mr. Wingate felt he was targeted because of his race?

WHITLATCH: No, I never heard anything like that until all this media junk came out.

BAIR: Okay. When the male officers arrived, you stated that Mr. Wingate's whole disposition changed.

WHITLATCH: Like night and day.

BAIR: And can you give me some examples of how he cooperated with the male individuals—male officers?

WHITLATCH: Sure. And to be honest with you, it also, for de-escalation purposes I removed myself from my contact with him, so like I wasn't, I wasn't, I—

BAIR: Tried not to amp him up kinda thing?

WHITLATCH: *Yeah.*

BAIR: Right.

WHITLATCH: So it was like he's got issues with *me*.

BAIR: Um-hmm.

WHITLATCH: He's being super good with them, so I'm gonna pull myself out—that's a de-escalation technique—and let them handle it. So as far as how they handled it, he just walked over, handed them—he set it down on the wall, they grabbed it—

BAIR: You're talking about the golf club.

WHITLATCH: Yeah, had conversation with them...

BAIR: In the video the officer actually is holding onto his wrist. Did he seem to have a problem with that?

WHITLATCH: Not at all, not at all. And I wasn't surprised he did it, because, you know, he was, when they came up, they saw how volatile he was with me, and that's why I also put my hand on his wrist, because, you know, I didn't know what he was gonna do. But then I released it and Chris took it. And then I let them handle him from that point, forward, and that's why I never saw him again...

BAIR: Okay.



Statement of: Officer Cynthia Whitlatch
Transcribed by: J. Wicklund
Taken by: Sergeant Krista Bair

WHITLATCH: ...because I just removed myself from that. That's de-escalation.

BAIR: Did Coles and Archer, they were coming from the precinct on foot?

WHITLATCH: Yeah, they walked over there.

BAIR: And do you know if they actually witnessed some of the interaction Mr. Wingate was doing with you?

WHITLATCH: Yeah, I believe they saw some of it and heard it as they walked by—walked up.

BAIR: Okay. I don't think I have anything else.

STUCKEY: This conversation, when you left out of the captain's office, did you think that was the end, that you had been spoken to about it?

WHITLATCH: Yeah. I had been spoken to about it. He was getting some flak from the people in the community, I guess, and he wanted to go over it and—

BAIR: *He is who?*

WHITLATCH: The captain and the lieutenant.

BAIR: Captain Davis?

WHITLATCH: Yeah.

BAIR: And Lieutenant...?

WHITLATCH: Grenon, and then the sergeant, Joel Williams. He's my sergeant...

BAIR: Okay.

WHITLATCH: ...so he was there. I think that's why I got confused...

BAIR: Sure.

WHITLATCH: ...about who screened it. So yeah, like they wanted to go over it and...

STUCKEY: Kinda like a best practices kinda thing?



Statement of: Officer Cynthia Whitlatch
Transcribed by: J. Wicklund
Taken by: Sergeant Krista Bair

WHITLATCH: Yeah, like a best practices thing. You know, they wanted to communicate to me some of the concerns that the community had. There were some things that they were observing on the video, like me having an escalated voice, a raised voice, so they were wondering was I emotionally out of control because my voice was raised. And then when I explained to them that my voice was raised because of these particular environmental circumstances and his age, they were like oh, okay. So essentially, they were kind enough to get both sides of the story before drawing a conclusion. And once that was done, then, you know, they were able to re-contact these community members and try to explain more, in a whole, in a more holistic fashion kinda what was going on, so...

STUCKEY: And so you left out of, out of that meeting feeling like you, you've given them enough to, to move forward?

WHITLATCH: Yeah, like they went over this incident with me and I took their input and I gave them some information, and I felt like it was, that it was resolved.

STUCKEY: No further questions.

BAIR: Do you have anything else?

WHITLATCH: Do I? No.

BAIR: Okay. All right. This concludes the statement. It is 1:35. The date is April 30th. 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?

WHITLATCH: Yes.

BAIR: And that is all.



SEATTLE
POLICE
DEPARTMENT

STATEMENT FORM
CONTINUATION SHEET

OPA-IS FILE NUMBER
2015OPA-0117

Statement of: Officer Cynthia Whitlatch
Transcribed by: J. Wicklund
Taken by: Sergeant Krista Bair
