



## CLOSED CASE SUMMARY

ISSUED DATE: MARCH 31, 2018

CASE NUMBER: 2017OPA-1151

### 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)

***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 Employee engaged in biased policing.

### ANALYSIS AND CONCLUSIONS:

**Named Employee #1 - Allegations #1**

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

On the date in question, Named Employee #1 (NE#1) conducted a traffic stop of the Complainant’s vehicle. The stop was effectuated based on the fact that the Complainant’s vehicle had expired license plate tabs and a defective rear brake light. During the stop, the Complainant was unable to produce a valid driver’s license, the vehicle’s registration, or proof of insurance. NE#1 made the decision to cite the Complainant for driving without a valid license, but provided him warnings for the other infractions. At that time, NE#1 described the Complainant as agitated and recounted that the Complainant asked to take medication for anxiety during the stop. He stated that the Complainant was upset because he was “homeless” and could not afford to pay the ticket. NE#1 tried to reassure the Complainant that he was only being cited for one violation.

When NE#1 was preparing to leave the scene, he realized that the Complainant was planning on driving away. NE#1 informed him that, without a valid license, registration, and proof of insurance, he could not do so. NE#1 told the Complainant to call someone who could pick him up. The Complainant then alleged that NE#1 had only stopped and cited him because he was Hispanic. NE#1 denied doing so, but, based on that allegation, he notified a supervisor to come to the scene. At that point, the Complainant also stated that he was in crisis and threatened that if an ambulance was not called for him he was going to kill himself. Accordingly, NE#1 also summoned additional patrol units to assist with a possible crisis situation, as well as an ambulance.

A supervisor came to the scene and was informed of what had occurred. This supervisor, whose activity at the scene was largely recorded on In-Car Video (ICV), spoke to the Complainant. The Complainant alleged that NE#1 called him a “damn Hispanic,” and then, in response to the sergeant’s questioning, amended his account to say that he was referred to as “Hispanic” but that the term “damn” was not used. The supervisor memorialized the bias complaint and ultimately referred it to OPA.



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Several other patrol officers responded to the scene and also interacted with the Complainant. They learned that the Complainant was suicidal and in crisis. The Complainant agreed to lie on a hospital gurney and he was transported from the scene in an ambulance to receive medical treatment.

OPA attempted to reach the Complainant by making numerous telephone calls to several different numbers. OPA also sent him two letters in an attempt to contact him. The Complainant did not respond and OPA was ultimately unable to interview him in this matter.

During his OPA interview, NE#1 denied engaging in biased policing towards the Complainant. He specifically denied referring to the Complainant as a “damn Hispanic,” as the Complainant had alleged. NE#1 further noted that, prior to effectuating the stop, he did not know what race or ethnicity the Complainant identified as.

OPA reviewed ICV recorded by several of the responding patrol officers, but as they arrived after the bias complaint was made, they did not record (or, for that matter, hear) the complaint or any allegedly inappropriate statements by NE#1 that preceded it. NE#1 was not equipped with either ICV or Body Worn Video on the date in question.

OPA was further able to determine that the Complainant’s vehicle registration was, in fact, elapsed at the time of the traffic stop. It elapsed on March 9, 2017, and the stop in this case occurred on October 31, 2017.

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.*)

Based on the above, I find no evidence in the record indicating that NE#1 engaged in biased policing towards the Complainant. I find that there was a sufficient basis for the stop and I credit NE#1’s account that he did not know of the Complainant’s race or ethnicity before the stop was effectuated. It appears that the Complainant was in crisis at the time of his interaction with NE#1, and I find that NE#1, as well as the other officers who responded to the scene, handled this difficult situation admirably and with respect and consideration towards the Complainant.

For these reasons, I recommend that this allegation be Not Sustained – Unfounded.

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