



CLOSED CASE SUMMARY

ISSUED DATE: DECEMBER 18, 2018

CASE NUMBER: 2018OPA-0621

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	8.200 - Using Force 1. Use of Force: When Authorized	Not Sustained (Lawful and Proper)
# 2	5.001 - Standards and Duties 10. Employees Shall Strive to be Professional	Not Sustained (Training Referral)
# 3	5.140 - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing	Not Sustained (Unfounded)
# 4	8.100 - De-Escalation 1. When Safe under the Totality of the Circumstances and Time and Circumstances Permit, Officers Shall Use De-Escalation Tactics in Order to Reduce the Need for Force	Not Sustained (Training Referral)
# 5	6.220 - Voluntary Contacts, Terry Stops & Detentions 1. Terry Stops are Seizures and Must Be Based on Reasonable Suspicion in Order to be Lawful	Not Sustained (Lawful and Proper)
# 6	6.220 - Voluntary Contacts, Terry Stops & Detentions 2. Officers Must Distinguish Between Voluntary Contacts and Terry Stops	Allegation Removed
# 7	6.220 - Voluntary Contacts, Terry Stops & Detentions 3. During a Terry Stop, Officers Will Limit the Seizure to a Reasonable Scope	Not Sustained (Lawful and Proper)
# 8	6.220 - Voluntary Contacts, Terry Stops & Detentions 6. Officers Cannot Require Subjects to Identify Themselves or Answer Questions on a Terry Stop	Not Sustained (Lawful and Proper)
# 9	6.220 - Voluntary Contacts, Terry Stops & Detentions 7. Officers Can Detain Subjects to Identify Them in Order to Issue a Notice of Infraction	Not Sustained (Lawful and Proper)
# 10	5.001 - Standards and Duties 6. Employees May Use Discretion	Allegation Removed

Named Employee #2

Allegation(s):		Director’s Findings
# 1	8.200 - Using Force 1. Use of Force: When Authorized	Not Sustained (Lawful and Proper)
# 2	5.001 - Standards and Duties 10. Employees Shall Strive to be Professional	Not Sustained (Unfounded)
# 3	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:

It was alleged that the Named Employees violated a number of Department policies when they detained, arrested, and used force on the Complainant.

ADMINISTRATIVE NOTE:

OPA initially recommend that both Allegation #2, which concerns professionalism, and Allegation #4, which concerns de-escalation, be Sustained against Named Employee #1 (NE#1). At the discipline meeting in this matter, the chain of command disagreed with both of these findings. After a robust conversation, OPA agreed to reverse its Sustained finding on the de-escalation allegation and to change it to a Training Referral. OPA did so because the gravamen of the conduct that concerned OPA was NE#1's language and approach towards the Subject, which OPA believed unnecessarily escalated this incident. Given that the conduct was fully captured by the professionalism allegation, OPA found that dual Sustained finding were duplicative and unnecessary.

A *Loudermill* hearing was then held during which NE#1 articulated his disagreement with OPA's remaining recommended Sustained finding. While NE#1 stated that he would ultimately accept the Chief's final determination, whatever it may be, he further explained his behavior during this incident and why he approached the Subject in the manner that he did. NE#1 stated that, when he first contacted the Subject from his vehicle, the Subject continued to walk away from him, using an expletive. NE#1 stated that he did not decide to stop the Subject solely due to the jaywalking. Indeed, he noted that the contact began because NE#1 was flagged down by a security guard who indicated that the Subject had threatened him and called him racial slurs. NE#1 did not believe that he was unprofessional towards the Subject, but was simply reacting to a hostile and non-cooperative individual in the best way that he knew how. He indicated that he was not threatening to fight the Subject, but was simply trying to explain that he did not want to do so, but would if the Subject acted violently. NE#1 explained that, from both his professional and personal experience, he believed that the Subject was exhibiting pre-fight indicators – most notably, when the Subject squatted down and stretched his arms out. While he was open to feedback concerning his actions, NE#1 expressed confusion as to what he could or should have done differently in this case. This was especially his belief given the direction that he had received from his chain of command to enforce criminal conduct in his sector. This direction was, in turn, derived from input by community and business leaders.

OPA found NE#1's presentation to be compelling. As a result, OPA sought out another meeting with NE#1 to further understand his perspective and to also explain OPA's reasoning behind its decision. This meeting, in which OPA again found NE#1 to be honest and open, was productive and further informed OPA's decision that a Sustained finding for the professionalism allegation was no longer warranted. Instead, OPA amends its finding in this regard and issues NE#1 a Training Referral.

In making this decision, OPA does not minimize the fact that this incident would have looked extremely problematic to an observer. Indeed, that was what motivated the Complainants to initiate this case. OPA further recognizes the impact that jaywalking stops have historically had on people of color and how they can be abused and used as a pretext to investigate other suspected criminal activity. However, based on OPA's full investigation, that is not what happened here. NE#1 tried to handle the situation that he faced in the best possible manner and consistent with policy. While I noted some areas in which he could have handled this situation better, I ultimately do not find that he committed any misconduct.



STATEMENT OF FACTS:

The Named Employees were working together when NE#1 was flagged down by a building security guard. The security guard informed NE#1 of a person who was allegedly trespassing in a building alcove. The security guard pointed to that person, who was later identified as the Subject. At that time, the Subject walked across the street without using a crosswalk. He did so directly in front of the NE#1's patrol vehicle.

NE#1 got out of his patrol vehicle and walked towards the Subject. At this point, the audio of NE#1's BWV began recording. NE#1 began speaking to the Subject while he followed him. At one point, the Subject squatted down and bounced on his heels. NE#1 stated to him: "What you stretching for?" When the Subject responded by saying "what," NE#1 again said: "What you stretching for." NE#1 then twice told the Subject to sit all the way on the ground. The Subject did not do so, got up, and began to again walk away. The Subject told NE#1 that he did not do anything wrong. NE#1 stated the following: "You did nothing wrong? You just jaywalked bro...what you talking about you did nothing wrong huh? Why you walking away from me? What you talking about, I just saw you jaywalk across the street, you don't want to stop." The Subject told NE#1 that he was "walking," and continued to walk away from him. NE#1, who was closing the distance, stated: "we can walk together...cause I'm not really interested in fighting you right now, I will though, but I'd rather not." NE#1 then asked the Subject for identification and, at that time, got close enough to make physical contact with him.

NE#1 took hold of the Subject's body and the Subject quickly turned on him. NE#1 reported that the Subject attempted to strike him, but that he was largely able to avoid the strike. At around that same time, Named Employee #2 (NE#2) arrived at their location and assisted NE#1 in controlling the Subject. NE#2 also corroborated that the Subject attempted to strike NE#1. While Body Worn Video (BWV) captured the interaction between the Subject and officers and the force used, due to the close quarters, the video is, at times, of limited value. It does appear to show the Subject swing his left hand at NE#1 when he initially turns to face him. This movement appears consistent with the strike described by NE#1 and NE#2. The Named Employees used force to control the Subject's body and to prevent him from further resisting. As the Subject continued to struggle against them, NE#1 and NE#2 took the Subject down to the pavement. They held the Subject's arms and placed their bodyweight on him. They were able to subdue the Subject and placed him into handcuffs. The Named Employees did not report using any strikes or kicks on the Subject. These assertions are supported by the BWV.

A Sergeant came to the scene to screen the arrest and the force. NE#1 spoke with the Sergeant and told him what occurred. NE#1 told the Sergeant that, when he initially told the Subject to stop, the Subject said: "F you." NE#1 described that the Subject: "rolls up his sleeves, does the whole stretch thing like he's going to fight me, [and] keeps walking." NE#1 stated that, when NE#2 began to come towards them, the Subject "picked up his pants like he was going to fight." The Sergeant tried to interview the Subject but the Subject was largely uncooperative at that time.

The day after the incident, NE#1 responded to the scene to obtain a recorded interview from the security guard. The security guard confirmed that the Subject had been trespassing and stated that, when he tried to rouse the Subject, the security guard was subjected to insults and racial slurs.

The Named Employees' decision to arrest the Subject and the force that they used were reviewed and approved by their chain of command.



This complaint was initiated by two community members who learned of the Subject's arrest, detention, and the force used against him. While neither Complainant was present during the incident, both recounted viewing the Body Worn Video (BWV) of what occurred. The Complainants expressed their belief that the Named Employees, and particularly NE#1, acted inappropriately towards the Subject. One of the Complainants stated that this incident was an example of over policing. She further asserted her belief that the Subject was subjected to excessive force and that NE#1 improperly escalated this incident. The other Complainant contended that this was a case of "unnecessary" and "excessive" force, and that the Subject was subjected to "economic and racial profiling." This Complainant further alleged that NE#1 failed to identify himself as a police officer, was confrontational with the Subject, and improperly escalated the incident.

After OPA received the complaint, this investigation ensued. OPA interviewed both of the Complainants. OPA also interviewed NE#1 and NE#2. OPA attempted to contact and interview the Subject, including through both his attorney and the Complainants; however, the Subject never responded to OPA and OPA was unable to interview him. OPA's investigation also included reviewing: the reports relating to this case, including the General Offense Report and the force reports and reviews; and Department video, including BWV.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

8.200 - Using Force 1. Use of Force: When Authorized

It was alleged that NE#1 subjected the Subject to excessive force when he grabbed on to him and then pulled him to the ground, which caused the Subject to suffer injuries.

SPD Policy 8.200(1) requires that force used by officers be reasonable, necessary and proportional. Whether force is reasonable depends "on the totality of the circumstances" known to the officers at the time of the force and must be balanced against "the rights of the subject, in light of the circumstances surrounding the event." (SPD Policy 8.200(1).) The policy lists a number of factors that should be weighed when evaluating reasonableness. (*See id.*) Force is necessary where "no reasonably effective alternative appears to exist, and only then to the degree which is reasonable to effect a lawful purpose." (*Id.*) Lastly, the force used must be proportional to the threat posed to the officer. (*Id.*)

As discussed below, I find that NE#1 failed to properly de-escalate prior to using force. However, I analyze the force separately from the failure to de-escalate. As such, even if the force was made more likely, at least in part, by NE#1's actions and decision-making, that does not necessarily mean that the force, itself, was outside of policy.

Based on my review of the record, I find it unquestionable that there was reasonable suspicion to detain the Subject at the time of the incident and, in fact, probable cause to arrest him for, at the very least, jaywalking. Whether such an arrest should have been effectuated is not the point here and is discussed below in the context of the other allegations. However, NE#1 had the legal authority to effectuate the Subject's arrest and with that authority came the right to use force if needed to do so.

NE#1 used two separate instances of force. First, he used force to grab the Subject's person and then to hold the Subject in place. Second, he used force to pull the Subject to the ground and to hold him there until handcuffs could



be applied. I find that his force was reasonable to control the Subject, who was resisting and attempting to pull away based on OPA's review of the video, as well as to place the Subject on the ground, which was a position of advantage for the officers, and to handcuff him to prevent escape and/or further resistance. Moreover, the force was necessary to effectuate NE#1's lawful goal of placing the Subject under arrest and it appears that NE#1 did not see any reasonable alternative to using that force. Lastly, the force appeared to be proportional to the threat facing NE#1. As discussed above, it appeared that the Subject did try to strike NE#1. As such, NE#1 was warranted in using force, and even an intermediate level of force, to prevent an assault. NE#1 only used control holds and a takedown and did not use any strikes or kicks. Further, once the Subject was on the ground, NE#1 modulated his force.

For the above reasons, I find that the force used by NE#1 during this incident was consistent with policy. As such, I recommend that this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained (Lawful and Proper)**

Named Employee #1 - Allegation #2

5.001 - Standards and Duties 10. Employees Shall Strive to be Professional

It was alleged that NE#1's conduct and statements during this incident were unprofessional.

SPD Policy 5.001-POL-9 requires that SPD employees "strive to be professional at all times." The policy further instructs that "employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers." (SPD Policy 5.001-POL-9.) The policy further states the following: "Any time employees represent the Department or identify themselves as police officers or Department employees, they will not use profanity directed as an insult or any language that is derogatory, contemptuous, or disrespectful toward any person." (*Id.*) Lastly, the policy instructs Department employees to "avoid unnecessary escalation of events even if those events do not end in reportable uses of force." (*Id.*)

As discussed above, OPA initially determined that NE#1's conduct violated this policy. OPA's conclusion was primarily supported by its belief that NE#1 made comments that escalated the situation and that he failed to use LEED during this interaction. However, based on the *Loudermill* hearing and a supplemental meeting with NE#1, OPA now believes that NE#1 did not act contrary to this policy.

In reaching this conclusion, OPA believes that NE#1 could have done a better job making it clear at the inception of the contact why he was trying to stop the Subject and could have limited some of the back and forth that they exchanged. This may have defused the interaction somewhat. Based on OPA's conversations with NE#1, OPA believes that he understands these concerns and takes them seriously.

For these reasons, I recommend that NE#1 receive a Training Referral.

- **Training Referral:** As discussed above, OPA met with NE#1 to discuss OPA's concerns during this incident. As part of that conversation, OPA raised several ways in which it believed that NE#1 could have handled this situation better, which NE#1 accepted and considered. Based on this interaction, OPA does not believe that any further training or counseling is needed unless NE#1's chain of command deems it appropriate. Any



additional training or counseling that is conducted should be documented and this documentation should be maintained in an appropriate database.

Recommended Finding: **Not Sustained (Training Referral)**

Named Employee #1 - Allegation #3

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

It was further alleged that NE#1 took law enforcement action against the Subject based on his race and economic status.

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 OPA’s review of the evidence and, again, without endorsing the decision to stop the Subject and some of NE#1’s other actions, there is insufficient evidence to establish that either NE#1 or NE#2 engaged in biased policing.

The reason behind the Named Employees’ decision to contact, detain, and use force on the Subject was fully captured by video. It was based on the Subject’s conduct, not his race. Moreover, while the Subject’s economic and/or housing status may have been the reason for why he had been trespassing, the decision to take law enforcement action against him stemmed on the fact that the trespassing, itself, constituted a crime.

There is merit to the argument that both jaywalking and trespassing crimes tend to affect persons of color at a disproportionate rate. However, the evidence in this case does not rise to the level of proving that any bias occurred here. In reaching this decision, I note that the Subject was not made available to be interviewed during OPA’s investigation. As such, this finding is based solely on the video and the officers’ statements (neither of the Complainants actually witnessed the incident). For these reasons, I recommend that this allegation be Not Sustained – Unfounded as against both NE#1 and NE#2.

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

Named Employee #1 - Allegations #4

8.100 - De-Escalation 1. When Safe under the Totality of the Circumstances and Time and Circumstances Permit, Officers Shall Use De-Escalation Tactics in Order to Reduce the Need for Force

“De-escalation tactics and techniques are actions used by officers, when safe and without compromising law enforcement priorities, that seek to minimize the likelihood of the need to use force during an incident and increase the likelihood of voluntary compliance.” (SPD Policy 8.100-POL-1.)

The policy further instructs that: “When safe and feasible under the totality of circumstances, officers shall attempt to slow down or stabilize the situation so that more time, options and resources are available for incident resolution.” (*Id.*) Officers are also required, “when time and circumstances permit,” to “consider whether a subject’s



lack of compliance is a deliberate attempt to resist or an inability to comply based on factors” such as “mental impairment...drug interaction...[and/or] behavioral crisis.” (*Id.*) These mental and behavioral factors should be balanced by the officer against the facts of the incident “when deciding which tactical options are the most appropriate to bring the situation to a safe resolution.” (*Id.*)

The policy gives several examples of de-escalation, which include: mitigating the immediacy of the threat to give officers time to use extra resources and to call more officers or specialty units; and increasing the number of officers on scene to thus increase the ability to use less force. (*Id.*) Other examples of de-escalation include, but are not limited to:

- Placing barriers between an uncooperative subject and officers;
- Containing the threat;
- Decreasing exposure to the potential threat by using distance, cover and concealment;
- Avoidance of physical confrontation unless immediately necessary to protect someone or stop dangerous behavior;
- Using verbal techniques, such as “Listen and Explain with Equity and Dignity” (LEED) to calm an agitated subject and promote rational decision making;
- Calling extra resources, including CIT officers and officers equipped with less-lethal tools; and
- Using “any other tactics and approaches that attempt to achieve law enforcement objectives by gaining the compliance of the subject.

(*Id.*) De-escalation is inarguably a crucial component of the Department’s obligations under the Consent Decree; however, it is not purposed to act as an absolute bar to enforcing the law when necessary. That being said, where officers fail to fully de-escalate and instead act in a manner that increases the need for force and the level of force used, such conduct is inconsistent with the Department’s policy and expectations.

OPA initially recommended that this allegation be Sustained. However, for the same reasons as set forth in the context of Allegation #2, OPA reverses its decision and now issues a Training Referral. OPA refers to the Training Referral set forth above. (See Named Employee #1, Allegation #2.)

Recommended Finding: **Not Sustained (Training Referral)**

Named Employee #1 - Allegation #5

6.220 - Voluntary Contacts, Terry Stops & Detentions 1. Terry Stops are Seizures and Must Be Based on Reasonable Suspicion in Order to be Lawful

The Complainants both alleged that NE#1’s stop of the Subject was improper.

SPD Policy 6.220-POL-1 governs Terry stops and stands for the proposition that Terry stops are seizures of an individual and, as such, must be based on reasonable suspicion in order to be lawful. SPD Policy defines a Terry stop as: “A brief, minimally invasive seizure of a suspect based upon articulable reasonable suspicion in order to investigate possible criminal activity.” (SPD Policy 6.220-POL-2(b).) SPD Policy further defines reasonable suspicion as: “Specific, objective, articulable facts, which, taken together with rational inferences, would create a well-founded suspicion that there is a substantial possibility that a subject has engaged, is engaging or is about to engage



in criminal conduct.” (*Id.*) Whether a Terry stop is reasonable is determined by looking at “the totality of the circumstances, the officer’s training and experience, and what the officer knew before the stop.” (*Id.*) While “[i]nformation learned during the stop can lead to additional reasonable suspicion or probable cause that a crime has occurred, it “cannot provide the justification for the original stop.” (*Id.*)

As a threshold matter, I find that the initial detention of the Subject was supported by reasonable suspicion. Prior to that point, NE#1 had been informed by the security guard that the Subject had been trespassing, the Subject was positively identified by the security guard, and the Subject committed a crime – jaywalking – in NE#1’s presence. Accordingly, the detention was legally supported to investigate both the earlier trespassing and the jaywalking.

Moreover, as discussed in the context of the other allegations in this case related to the Terry stop, NE#1 also had probable cause to arrest the Subject for jaywalking. Even though this is a minor offense, an officer may arrest a suspect for jaywalking when that crime occurs within the officer’s presence. This is indisputably what occurred here.

For these reasons, I recommend that this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained (Lawful and Proper)**

Named Employee #1 - Allegation #6

6.220 - Voluntary Contacts, Terry Stops & Detentions 2. Officers Must Distinguish Between Voluntary Contacts and Terry Stops

As discussed above, I find that the stop and later arrest of the Subject were supported by reasonable suspicion and probable cause, respectively. For these reasons, this policy is inapplicable and I recommend that this allegation be removed.

Recommended Finding: **Allegation Removed Error! Reference source not found.**

Named Employee #1 - Allegations #7

6.220 - Voluntary Contacts, Terry Stops & Detentions 3. During a Terry Stop, Officers Will Limit the Seizure to a Reasonable Scope

Allegations #7, 8 and 9 all concern the contours of a valid Terry stop. SPD Policy 6.220-POL-3, which is at issue in Allegation #7, instructs that officers must keep a Terry stop within a reasonable scope. SPD Policy 6.220-POL-6, which is referenced in Allegation #8, states that officers cannot compel subjects to identify themselves on Terry stops. Lastly, SPD Policy 6.220-POL-7, which is evaluated in Allegation #9, permits officers to detain subjects to issue them citations.

As there was probable cause to arrest the Subject at the time of NE#1’s initial contact with him, the requirement that the stop be kept to a reasonable scope was inapplicable. Notably, NE#1 could have handcuffed and taken the Subject into custody at that time. Similarly, as NE#1 was entitled to arrest the Subject, he was not precluded from demanding that the Subject identify himself. Moreover, as NE#1 was justified in placing the Subject under arrest, he was certainly permitted to detain him to issue him a citation at that time.



For these reasons, I recommend that Allegations #7, 8 and 9 all be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained (Lawful and Proper)**

Named Employee #1 - Allegation #8

6.220 - Voluntary Contacts, Terry Stops & Detentions 6. Officers Cannot Require Subjects to Identify Themselves or Answer Questions on a Terry Stop

For the same reasons as stated above (see Named Employee #1, Allegation #7), I recommend that this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained (Lawful and Proper)**

Named Employee #1 - Allegation #9

6.220 - Voluntary Contacts, Terry Stops & Detentions 7. Officers Can Detain Subjects to Identify Them in Order to Issue a Notice of Infraction

For the same reasons as stated above (see Named Employee #1, Allegation #7), I recommend that this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained (Lawful and Proper) Error! Reference source not found.**

Named Employee #1 - Allegations #10

5.001 - Standards and Duties 6. Employees May Use Discretion

As indicated in SPD Policy 5.001-POL-5, “[e]mployees are authorized and expected to use discretion in a reasonable manner consistent with the mission of the department and duties of their office and assignment.” This policy further states that “[t]he scope of discretion is proportional to the severity of the crime or public safety issue being addressed.” (SPD Policy 5.001-POL-5.)

As discussed more fully above, I find that NE#1’s decision-making in this incident was not optimal. OPA concluded that he engaged in unprofessional behavior in his interaction with the Subject and that he unnecessarily escalated this incident, which increased the likelihood that force would be used. I further note that all of this was in connection with jaywalking, a minor citable offense.

That being said, the conduct described above is already captured by the recommended Sustained findings for Allegations #2 and #4. As such, I find it unnecessary to also recommend that this allegation be Sustained. For this reason, and given that this allegation is duplicative, I recommend that this allegation be removed.

Recommended Finding: **Allegation Removed**

Named Employee #2 - Allegations #1

8.200 - Using Force 1. Use of Force: When Authorized



For the same reasons as discussed in the context of NE#1 (see Named Employee #1, Allegation #1), I find that the force used by NE#2 was also consistent with policy. NE#2 observed NE#1 go hands-on with the Subject and saw the Subject appear to attempt to strike NE#1. At that point, it was reasonable, necessary, and proportional for NE#2 to use force to defend NE#1, to prevent further resistant behavior from the Subject, and to take the Subject into custody.

NE#2, like NE#1, used holds to control the Subject's body and then took him down to the ground. NE#2 did not strike or kick the Subject. Moreover, once the Subject was on the ground and secured, NE#2 modulated and eventually ceased his force.

For the above reasons, I recommend that this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained (Lawful and Proper)**

Named Employee #2 - Allegation #2

5.001 - Standards and Duties 10. Employees Shall Strive to be Professional

It was alleged that NE#2 also engaged in unprofessional behavior during this incident.

From OPA's review of the evidence, including the BWV, there is no indication that NE#1 made any unprofessional statements or engaged in any unprofessional behavior. NE#2 had virtually no verbal interaction with the Subject and immediately went hands-on to assist NE#1 when he arrived at the scene.

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

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

Named Employee #2 - Allegation #3

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

For the same reasons as stated above (see Named Employee #1, Allegation #3), I recommend that this allegation be Not Sustained – Unfounded.

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