



CLOSED CASE SUMMARY

ISSUED DATE: MARCH 11, 2019

CASE NUMBER: 2018OPA-0943

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 subjected her to biased policing.

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the OPA Auditor’s review and approval, believed that it could reach and issue recommended findings based solely on its intake investigation and without interviewing the Named Employees. As such, the Named Employees were not interviewed as part of this case.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

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

Named Employee #1 (NE#1) responded to a fight involving three females. Upon his arrival, NE#1 was informed by two other women that the Complainant had been fighting with them. NE#1 described that, at this time, the Complainant tried to “bypass” him to continue to fight with the two women. NE#1 and other officers held her back to prevent her from doing so and she physically resisted them. The decision was made to temporarily place the Complainant in handcuffs to prevent her from engaging in further violent behavior and to allow the officers to conduct their investigation safely. At that time, the Complainant alleged that she was only handcuffed because of her race. Ultimately, the Complainant was released from handcuffs and was not arrested as the officers determined that the fight was mutual and, as such, no assault had occurred. A supervisor was notified and responded to the scene. The supervisor spoke to the Complainant, who stated that she wanted an OPA complaint to be filed. The supervisor then forwarded her allegation to OPA and this investigation ensued.

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, NE#1 did not engage in biased policing during this incident. The Complainant was temporarily detained and placed into handcuffs because she had been involved in a physical altercation and was trying to keep fighting, even after the officers attempted to prevent her from doing so. She was detained in order to allow the officers to further investigate the incident and was handcuffed because she presented a threat of harm to the officers, other community members, and herself. As such, I find that the Complainant's conduct, not her race, was the basis for the law enforcement action taken towards her. Therefore, I recommend that this allegation be Not Sustained – Unfounded.

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