



CLOSED CASE SUMMARY

ISSUED DATE: MARCH 18, 2019

CASE NUMBER: 2018OPA-1050

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 was biased by assigning a race to a suspect during a 911 call.

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 Employee. As such, the Named Employee was 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) was the call taker on a 911 call from the Complainant. The Complainant called 911 to report a person that had broken his window. NE#1 asked the Complainant questions regarding the race of the involved suspect. At one point the Complainant said the suspect may have been “Mexican,” and described him as having “brown skin.” A subsequent call to the Complainant again questioned her regarding the race of the involved parties. The NE#1 asked the if the suspect was, “Hispanic,” and the Complainant said, “probably yeah.” However, the Complainant then indicated that she did not know. The Complainant subsequently called OPA and filed this complaint.

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.*)



From OPA's review of the record, I find no evidence indicating that NE#1 engaged in any bias or acted in any type of a discriminatory manner. NE#1 solely asked questions to obtain a description of the subject in order to facilitate the law enforcement response to this incident. Moreover, the Complainant, herself, first indicated that the Complainant could be "Mexican." As such, the allegation that NE#1 acted with bias is simply unsubstantiated by the objective evidence. Indeed, it is unclear to OPA why this complaint was even made in the first place.

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

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