



CLOSED CASE SUMMARY

ISSUED DATE: JULY 7, 2019

CASE NUMBER: 2019OPA-0049

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)
# 2	15.180 - Primary Investigations 5. Officers Shall Document all Primary Investigations on a General Offense Report	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 during a traffic stop in 2015 and also wrote a false report associated with that stop.

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the Office of Inspector General’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

During the Complainant’s statement in another OPA investigation based on a complaint that she brought, she stated that Named Employee #1 (NE#1) engaged in biased policing when he stopped her vehicle in January 2015 and investigated her for DUI. The Complainant stated that the way NE#1 handled the situation was not appropriate given her gender. The Complainant did not elaborate on this allegation except to state that NE#1’s actions were “scary.” The Complainant also alleged that NE#1 failed to accurately report on what took place during that stop; however, she was unable to elaborate on what inaccuracies were contained in his documentation. She contended that his report was based on “hearsay.” The Complainant confirmed that she did not file an OPA complaint about the incident in 2015 and offered no explanation for why she did not do so.

OPA identified and reviewed the evidence associated with the 2015 incident, including In-Car Video (ICV) and the documentation generated by NE#1.



According to his documentation of this incident, NE#1 conducted a traffic stop of the Complainant on January 2, 2015. As a result of that stop, the Complainant was arrested for DUI without incident. Based on the totality of its investigation, OPA found no indication that any of the information contained in NE#1's reports was inaccurate or that his documentation was otherwise deficient.

OPA also reviewed the ICV associated with the Complainant's traffic stop and arrest. The ICV provided no support for the allegation that NE#1 engaged in biased policing. Moreover, the Complainant was not heard making any such allegation during the stop and arrest. The ICV showed the Complainant's vehicle driving in front of NE#1 at an apparent high rate of speed. The ICV also showed the traffic stop and what NE#1 said and did at that time. The ICV further indicated that, during the stop, NE#1 told the Complainant that he suspected that she had consumed alcoholic beverages and the Complainant confirmed that she had, in fact, done so.

OPA lastly reviewed the court filings from the criminal proceedings against the Complainant. OPA found nothing in those filings that supported that Complainant's allegation of bias policing or false reporting. Notably, the Complainant's attorney did not raise any objections to NE#1's report narrative or any allegations of an inaccurate or false reporting on NE#1's part during these proceedings.

SPD Policy 5.140 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."

Based on OPA's review of the evidence, there is no indication that NE#1 engaged in biased policing. This determination is supported by the ICV, which fully captured the traffic stop and the Complainant's arrest. To the contrary, law enforcement action was taken against the Complainant by NE#1 based on her conduct, not due to her gender, race, or membership in any protected class. Indeed, I find that this complaint is completely unsubstantiated and bordering on frivolous. For these reasons, I recommend that this allegation be Not Sustained – Unfounded.

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

Named Employee #1 - Allegation #2

15.180 - Primary Investigations 5. Officers Shall Document all Primary Investigations on a General Offense Report

SPD Policy 15.180 states that officers shall document all primary investigations on a General Offense Report and that this documentation must be thorough, complete, and accurate.

As discussed above, OPA's investigation yielded the conclusion that NE#1 accurately documented what took place during the incident in question. There is no support in the record for the Complainant's allegation of false or inaccurate reporting and, accordingly, OPA concludes that her complaint in this regard is meritless. As such, I recommend that this allegation be Not Sustained – Unfounded.

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