



## CLOSED CASE SUMMARY

ISSUED DATE: MARCH 23, 2018

CASE NUMBER: 2017OPA-1184

### 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 stated that the Named Employee engaged in biased policing when he issued the Complainant a traffic citation.

### ANALYSIS AND CONCLUSIONS:

#### **Named Employee #1 - Allegation #1**

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

Named Employee #1 (NE#1) stopped the Complainant for a traffic infraction. During the stop, the Complainant alleged that he had been stopped before by NE#1 and that NE#1 was stopping him on this occasion because he was Black. NE#1 asked the Complainant whether he wanted a supervisor to come to the scene and the Complainant said that he did. The supervisor came to the scene, but the Complainant left prior to the supervisor’s arrival. Consistent with policy, the supervisor referred this matter to OPA.

During its investigation, OPA attempted to interview the Complainant, but was unable to do so. OPA also looked at whether NE#1 had ever issued the Complainant a citation in the past. This search did not locate any such prior citations. OPA further examined the other citations issued by NE#1 on that day to see whether any potential bias could be identified; for example, whether all of the citations were issued to people of color. OPA determined that of the four citations NE#1 issued, two were to Caucasian drivers and the other two were to drivers identified as having an “unknown race.”

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.*)

OPA’s investigation yielded no evidence of biased policing by NE#1. Notably, there was no record of NE#1 ever citing the Complainant in the past – contrary to the Complainant’s assertion – or that he disparately issued citations to



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people of color on the date in question. Lastly, as the Complainant failed to participate in an interview in this case, he presented no evidence contradicting NE#1's account.

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

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