



## CLOSED CASE SUMMARY

ISSUED DATE: MAY 23, 2018

CASE NUMBER: 2017OPA-1298

### 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)

**Named Employee #2**

Allegation(s):		Director’s Findings
# 1	5.140 - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing	Not Sustained (Unfounded)

**Named Employee #3**

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 Employees were “prejudice” and engaged in biased policing when they evicted her from a shelter pursuant to a call for service requesting her removal.

### ANALYSIS AND CONCLUSIONS:

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

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

The Named Employees were dispatched to a call at a housing shelter. When they arrived, they were informed by a witness that the Complainant was being belligerent and aggressive towards other residents. The witness stated that this was in violation of the shelter’s rules of conduct and that she had directed the Complainant to leave but the Complainant refused. The witness asked that the officers trespass the Complainant from the shelter.

The officers’ interaction with the Complainant was captured on video. The Complainant told the officers that she felt that the other residents of the shelter were ganging up on her. When asked to leave the shelter, the Complainant asserted her belief that both the residents of the shelter and the officers were prejudiced towards her. The Complainant was asked whether she wanted a Department supervisor to come to the scene and she said that she did. A supervisor arrived and spoke to the Complainant. She reiterated to the supervisor her belief that the officers were prejudiced. She explained that they acted with prejudice because they were removing her from the shelter and



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thereby endangering her life. The supervisor explained that he was trying to find the Complainant alternative shelter and he also provided her with OPA's contact information.

Ultimately, the supervisor was able to find alternative shelter for the Complainant. After he did so, he asked if she still wanted to make an OPA complaint and she said that she did. The supervisor then referred this matter to OPA.

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 as other discernible personal characteristics of an individual." (SPD Policy 5.140.) This includes different treatment based on the race of the subject. (*See id.*)

The objective evidence of this case, most notably the Department video, indicates that the officers had a lawful basis to remove the Complainant from the shelter. I find no support in the record for the assertion that any of the Named Employees engaged in biased policing when they did so. As such, I recommend that this allegation be Not Sustained – Unfounded.

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

**Named Employee #2 - Allegation #1**

***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 #1), I recommend that this allegation be Not Sustained – Unfounded.

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

**Named Employee #3 - Allegation #1**

***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 #1), I recommend that this allegation be Not Sustained – Unfounded.

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