



CLOSED CASE SUMMARY

ISSUED DATE: OCTOBER 15, 2018

CASE NUMBER: 2018OPA-0354

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)

Named Employee #4

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 #5

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 engaged in biased policing towards him.

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

The Complainant was being interviewed in connection with an ongoing homicide investigation when she alleged that, in April 2016, several SPD officers had engaged in biased policing towards her. She specified that, during that prior incident, she requested an interpreter but none was provided to her. She contended that this refusal was based on her being Latina. She further alleged that the involved officers were rude to her and laughed at her, even after she disclosed to them that she was suffering from mental illness.

As part of its investigation, OPA reviewed the General Offense Report and Department video relating to this alleged incident. This information indicated that officers, including the Named Employees, responded to a residence based on a report of an assault. The Complainant was the individual that reported the crime. When the officers arrived, they spoke with the victim of the assault, a friend of the victim, and the Complainant. The officers could not locate the suspect after conducting an area check.

During this time, the officers spoke with both the victim's friend and the Complainant in English. There did not appear to be a language barrier that prevented communication between them. The Complainant indicated that she was afraid of the suspect, who also lived in the building with her wife. The officers explained how she could get an order of protection. As the suspect could not be located at that time, the officers informed the Complainant that they would not be making an arrest.

The officers returned to the residence several days later to serve the order of protection. At that time, the Complainant asked whether the suspect and her wife would move out of their apartment and the officers explained the eviction process. The Complainant again reiterated that she was afraid of the suspect. The Complainant also spoke with the officers in English during this second interaction.

From OPA's review of the video, there is no evidence that any of the officers engaged in biased policing towards the Complainant or that they refused to provide her an interpreter due to her race, ethnicity, or membership in any protected class. Moreover, there is also no evidence that any of the officers were unprofessional towards or laughed at the Complainant.

OPA further tried to interview the Complainant including setting up an in-person interview with an interpreter at her request. The Complainant, without pre-cancelling, did not appear at this interview. When contacted by the assigned OPA investigator, the Complainant stated that she did not wish to give a statement.

SPD Policy 5.140-POL-5 requires employees to call a supervisor in response to allegations of biased policing. This includes providing sufficient information to the supervisor to allow a determination as to what occurred and what the nature of the bias allegation is. (SPD Policy 5.140-POL-5.)



As discussed above, given my review of the totality of the record, I find insufficient evidence to establish that any of the Named Employees engaged in biased policing towards the Complainant. As such, I recommend that this allegation be Not Sustained – Unfounded as against all of the Named Employees.

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

Named Employee #2 - Allegations #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 - Allegations #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 #4 - Allegations #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 #5 – 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)**