



CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 17, 2019

CASE NUMBER: 2018OPA-0748

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 engaged in bias policing.

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 - Allegation #1

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

Named Employee #1 (NE#1) was dispatched to a robbery call. The victim stated that she was robbed at gun point and that she knew the suspect and was afraid of him. The Complainant was located a short distance away and was detained. The victim identified the Complainant as the person who robbed her. The Complainant was taken into custody and searched incident to arrest. During that search, NE#1 found a BB gun, which appeared similar to a Ruger, in the Complainant’s pants.

At the time of his arrest, the Complainant alleged that he was arrested because he was Black. A supervisor arrived on scene and spoke with him. The Complainant reiterated his belief that he had been subjected to biased policing based on his 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 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 policy provides guidance as to when an allegation of biased policing occurs, explaining that: “an allegation of bias-based policing occurs whenever, from the perspective of a reasonable officer, a subject complains



that he or she has received different treatment from an officer because of any discernable personal characteristic...”
(Id.)

Based on OPA’s review of the record – most notably, the BWV, it appears that NE#1 had reasonable suspicion to initially detain the Complainant and, later, probable cause to place him under arrest. The Complainant’s conduct, not his race, was the reason that law enforcement action was taken against him. There is no evidence establishing that NE#1, instead, engaged in bias policing.

As such, I recommend that this allegation be Not Sustained – Unfounded.

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