



CLOSED CASE SUMMARY

ISSUED DATE: JULY 3, 2019

CASE NUMBER: 2019OPA-0073

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 his arrest was based on bias.

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the review and approval of the Office of Inspector General for Public Safety, 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

The Complainant’s ex-girlfriend called 911 to report that he violated a protection order that she had against him. Named Employee #1 (NE#1) arrived on scene and investigated the 911 caller’s claim. He discovered that the protection order had not been served on the Complainant. However, after investigating the incident, NE#1 determined that he had probable cause to arrest the Complainant for domestic violence (DV) harassment.

After he was taken into custody, the Complainant alleged that NE#1 only arrested him because of his race. Consistent with Department policy, NE#1 called for a supervisor to come to the scene to investigate the Complainant’s claim of biased policing and to also screen the arrest. The Sergeant approved the arrest and evaluated the bias allegation. Pursuant to the Complainant’s request that he do so, the Sergeant forwarded the biased policing complaint to OPA.

As part of its investigation, OPA made multiple attempts to interview the Complainant but these attempts were ultimately unsuccessful. Thus, the Complainant was not interviewed as part of this investigation.

OPA obtained and reviewed the Body Worn Video (BWV) associated with this incident. The BWV showed NE#1’s



investigation, including his interactions with the 911 caller and the Complainant. Following NE#1's determination that he had probable cause to arrest the Complainant, the Complainant stated that the situation was "totally ridiculous" because he believed that NE#1 only listened to the 911 caller's side of the story. The Complainant then alleged that his arrest was racially motivated.

SPD Policy 5.140 prohibits biased policing, which is: "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." This includes different treatment based on the race of the subject. (*See id.*)

Based on OPA's review of the evidence, including the BWV, there is no indication that NE#1 engaged in biased policing. The Complainant was arrested based on the fact that NE#1 established probable cause to believe that the Complainant engaged in DV harassment. This belief was reasonable given an evaluation of the evidence available to NE#1 at the time. That the Complainant does not agree with the decision to arrest him does not mean that it was based on bias. Ultimately, the Complainant was arrested for his conduct, not because of his race or membership in any protected class. As such, I recommend that this allegation be Not Sustained – Unfounded.

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