



CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 9, 2018

CASE NUMBER: 2017OPA-0938

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)
# 2	5.140 - Bias-Free Policing 5. Employees Will Call a Supervisor in Response to Allegations of Bias-Based Policing	Not Sustained (Lawful and Proper)
# 3	5.140 - Bias-Free Policing 6. Employees Will Document All Allegations of Bias-Based Policing	Not Sustained (Management Action)
# 4	5.140 - Bias-Free Policing 7. Supervisors Conduct Preliminary Inquiry into Bias-Based Policing	Not Sustained (Management Action)
# 5	5.140-PRO-1 Handling a Bias-Based Policing Allegation	Not Sustained (Management Action)

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:

Various Bias Reviews conducted by supervisors may not have conformed to SPD policy in that the supervisors failed to resolve the matter to the satisfaction of the complainant prior to completing the Bias Reviews. This case is one of eight reviewed by OPA in order to evaluate and recommend changes to SPD Policy 5.140.

ADMINISTRATIVE NOTE:

This case, as well as seven other cases, were classified for investigation in order for OPA to issue a Management Action Recommendation relating supervisor completion of Bias Reviews. These cases were not referred to OPA through an external or internal complaint, but were instead initiated by OPA. These eight cases were designated as expedited investigations. In this context, this means that it was agreed that OPA would conduct a limited investigation of this case, including not engaging in interviews. Underlying this decision was OPA’s determination that, based on the objective facts, there was no bias on the part of SPD employees in any of these incidents.

As a result, OPA issued a Management Action Recommendation making proposed changes to the policy governing Bias Reviews. This Management Action Recommendation, which is referred to below, is included in OPA’s case file and was transmitted to the Chief of Police on January 10, 2018.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

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



While working off-duty, an officer observed a motorist hit a parked car twice when parallel parking. The officer approached the driver and asked her to leave a note on the vehicle that she had hit. While she agreed to do so, the driver was upset and accused the officer of engaging in biased policing.

The officer notified a sergeant who responded to the scene. The sergeant was unable to obtain a statement from the complainant. The sergeant noted: "The complaint [sic] left the scene before I arrived and subject did not provide contact information for me to follow up."

The sergeant conducted a preliminary investigation into the incident and determined that there was no evidence of biased policing. The sergeant then generated a Bias Review Blue Team entry. However, this Bias Review was completed even though the complainant had left the scene and could not have been satisfied with the resolution, which was technically inconsistent with policy.

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.*) 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 a review of the objective evidence in this case, there is no indication that any SPD employee engaged in biased policing. As such, I recommend that this allegation be Not Sustained – Unfounded.

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

Named Employee #1 - Allegation #2

5.140 - Bias-Free Policing 5. Employees Will Call a Supervisor in Response to Allegations of Bias-Based Policing

SPD employees are required to "call a supervisor in response to allegations of bias-based policing." (SPD Policy 5.140-POL-5.) The supervisor must be called to the scene. (*id.*)

Here, a sergeant was notified to the scene and investigated the allegation of biased policing. As such, I recommend that this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained (Lawful and Proper)**

Named Employee #1 - Allegation #3

5.140 - Bias-Free Policing 6. Employees Will Document All Allegations of Bias-Based Policing

I refer to the Management Action Recommendation concerning Bias Reviews and SPD Policy 5.140, which was issued on January 10, 2018. This Management Action Recommendation is included in the case file.



Recommended Finding: **Not Sustained (Management Action)**

Named Employee #1 - Allegation #4

5.140 - Bias-Free Policing 7. Supervisors Conduct Preliminary Inquiry into Bias-Based Policing

I refer to the Management Action Recommendation concerning Bias Reviews and SPD Policy 5.140, which was issued on January 10, 2018. This Management Action Recommendation is included in the case file.

Recommended Finding: **Not Sustained (Management Action)**

Named Employee #1 - Allegation #5

5.140-PRO-1 Handling a Bias-Based Policing Allegation

I refer to the Management Action Recommendation concerning Bias Reviews and SPD Policy 5.140, which was issued on January 10, 2018. This Management Action Recommendation is included in the case file.

Recommended Finding: **Not Sustained (Management Action)**