



CLOSED CASE SUMMARY

ISSUED DATE: MARCH 3, 2018

CASE NUMBER: 2017OPA-0960

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 he was arrested because the Named Employees were biased.

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 threat call where a weapon was displayed. The Named Employees contacted the victim of the threats, who identified the Complainant as the perpetrator. This gave the Named Employees probable cause to arrest the Complainant. When the Named Employees attempted to speak with the Complainant to attempt to obtain his version of what had occurred, he cursed at the officers and refused to cooperate with them. The Complainant was then placed under arrest and, at that time, stated that he was being arrested because he was African-American. Based on this allegation of bias, the Named Employees called for a supervisor to come to the scene. While the Complainant reiterated his belief that the officers were biased to the supervisor, he did not provide any further information in this regard. After speaking with the Complainant and hearing the bias complaint, the supervisor initiated an OPA complaint consistent with policy.



Based on my review of the record, the Named Employees had probable cause to place the Complainant under arrest. Thus, I find that his conduct, not his race, was the reason why the Named Employees took law enforcement action against 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 - 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)**