



## CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 9, 2018

CASE NUMBER: 2017OPA-1017

### 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 7. Supervisors Conduct Preliminary Inquiry into Bias-Based Policing	Not Sustained (Management Action)

**Named Employee #5**

Allegation(s):		Director’s Findings
# 1	5.140 - Bias-Free Policing 9. Disparate Impacts a. The Chief of Police or Designee Will Enforce Policy	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 Review. 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



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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***

Officers investigated an assault that was reported at the Torchlight Parade. The subject was identified as the primary aggressor and was placed under arrest. The arrestee, who was African-American, stated that he was simply defending himself from the victim, who was white. The arrestee further stated that he was arrested because he was African-American and the victim was white. The arrestee lastly alleged that the officers purposefully failed to interview any African-American or Asian witnesses to the incident.

The responding sergeant attempted to interview both the arrestee and his wife, who again relayed their belief that the arrest was based on bias and that the officers had failed to interview non-white witnesses. A Bias Review was completed even though there was no indication that this matter was resolved to the complainant's satisfaction, 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.*) 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.*) This section of 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 discernible 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 #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)**

**Named Employee #4 - Allegation #1**

***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 #5 – Allegation #1**

***5.140 - Bias-Free Policing 9. Disparate Impacts a. The Chief of Police or Designee Will Enforce Policy***

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)**