



CLOSED CASE SUMMARY

ISSUED DATE: MAY 30, 2018

CASE NUMBER: 2017OPA-1270

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 biased policing.

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 reported assault. When he arrived at the scene, he was told by the victim that her ex-boyfriend – the Complainant – had grabbed her and demanded \$40 that he said the victim owed him. She tried to get away but the Complainant held onto her jacket. She screamed for help and tried to call 911, but he initially prevented her from doing so. The Complainant was ultimately arrested for domestic violence assault. When he was searched incident to arrest, a folding knife and pepper spray were found on the Complainant’s person.

While the Complainant was in NE#1’s custody, NE#1’s Body Worn Video (BWV) indicated that he made the following statement when discussing the basis for his arrest with NE#1: “Really? Really officer? Why? ...Cuz she’s white and I’m black? Uh?” NE#1 perceived this to be an allegation of biased policing and he notified a supervisor.

The supervisor came to the scene and interviewed the Complainant. The Complainant repeated to the supervisor his belief that he had been arrested because he was Black. However, he could not specifically explain why he thought this was the case. Consistent with policy, the supervisor referred the Complainant’s allegation to OPA and this investigation ensued.

During its investigation, OPA reviewed the documentation generated as a result of this incident, as well as reviewed the BWV. OPA also tried to interview the Complainant, but was unable to do so even after repeated attempts.

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.*)



Based on my review of the record, there is no indication that NE#1 engaged in biased policing. Indeed, the evidence establishes that the Complainant was arrested based on his conduct, not his race. As such, I recommend that this allegation be Not Sustained – Unfounded.

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