



CLOSED CASE SUMMARY

ISSUED DATE: AUGUST 13, 2018

CASE NUMBER: 2018OPA-0184

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 Bias policing.

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the OPA Auditor’s review and approval, believed that it could reach and issue recommended findings based solely on its intake investigation and without interviewing the Named Employees. As such, the Named Employees were not interviewed as part of this case.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

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

Officers, including Named Employee #1 (NE#1), responded to several calls concerning an individual with a knife. When the officers arrived at the scene, they observed the Complainant, who matched the description of the suspect. The officers noticed that the Complainant had a knife sticking out of his pocket. The Officers effectuated a Terry stop of the Complainant. The officers engaged with the Complainant, who was initially hostile, and, after a period of time, were able to convince him to drop the knife.

After the Complainant dropped the knife, NE#1 attempted to de-escalate the situation. The Complainant, who is African-American, then alleged that NE#1 uttered a racial slur under his breath towards the Complainant. NE#1 asked for a supervisor to respond to the scene. The Complainant continued to accuse NE#1 of engaging in biased policing and stated that all White people were racist. When a woman then walked by the Complainant, the Complainant also accused her of uttering a racial slur at him under her breath.

A supervisor arrived at the scene and spoke with the Complainant. During that conversation, the Complainant told the supervisor that he would not make a bias complaint if he was given twenty dollars. The Complainant was told



no. As he was walking away, the Complainant asked the supervisor if she had uttered a racial slur towards him. Pursuant to policy, the supervisor referred this matter to OPA and this investigation ensued.

Based on its preliminary review of this matter, OPA decided, with the OPA Auditor's approval, to classify this matter as an Expedited Investigation. OPA attempted to interview the Complainant, but the Complainant did not respond to that request. OPA did not deem it necessary to interview NE#1.

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 as 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 my review of the record, I find that there was abundant reasonable suspicion to stop the Complainant. His conduct, not his race, was the reason that law enforcement action was taken towards him. There is no evidence establishing that NE#1, instead, engaged in biased policing. As such, I recommend that this allegation be Not Sustained – Unfounded.

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