



CLOSED CASE SUMMARY

ISSUED DATE: SEPTEMBER 10, 2018

CASE NUMBER: 2018OPA-0266

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 the Named Employees engaged in biased policing towards him

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

The Named Employees responded to a call concerning a possibly intoxicated and/or high woman who was refusing to exit a taxi cab. The officers made contact with the cab driver and then with the woman, who was later identified



as the Complainant. The Complainant told the officers that she was trying to access a hospital but it was closed. The officers informed her that the emergency room entrance was nearby and ultimately offered to both walk and drive the Complainant there. The Complainant was non-responsive and, after a period of time, she was informed by the officers that they were leaving the scene. Named Employee #1 (NE#1) was again dispatched to the scene based on a request by the Complainant. When she arrived, she again interacted with the Complainant. Department video indicates that the Complainant was argumentative. NE#1 determined that she was seeking an ambulance to transport her to another hospital and summoned an ambulance to the scene. When she was being loaded into the ambulance, the Complainant asserted that the officers were “racist.” As she interpreted this to be an allegation of biased policing, NE#1 reported this matter to her supervisor. Her supervisor interviewed the Complainant at the hospital. The Complainant asserted that the Named Employees treated her poorly because she was Black and requested that the supervisor file an OPA complainant on her behalf. The supervisor did so and this investigation ensued.

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.*)

From my review of the record, including the Department video, I find no evidence indicating that the officers engaged in biased policing or acted in any type of a discriminatory manner towards the Complainant. To the contrary, I find that the Named Employees, and particularly NE#1, were professional and even solicitous towards the Complainant and acted appropriately at all times during this incident. As such, I recommend that this allegation be Not Sustained – Unfounded as against all three 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)**