



## CLOSED CASE SUMMARY

ISSUED DATE:     SEPTEMBER 10, 2018

CASE NUMBER:    2018OPA-0331

### 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 did not arrest perpetrators of crimes against him and did not conduct adequate investigations based on bias.

**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 Complainant alleged that SPD employees did not arrest individuals who had perpetrated multiple crimes against him. He contended that this inaction was due to bias. Specifically, he stated that it was due his race, his blindness, the fact that he had a neck tattoo, and his “checkered past.” OPA was able to identify the Named Employees as working on cases involving the Complainant.

With regard to the first case, the Complainant contended that Named Employee #1 (NE#1) did nothing to investigate the crime and did not make an arrest because of his race and status as a blind person. NE#1 was assigned to investigate an assault on the Complainant. When NE#1 tried to interview the witnesses identified in the General Offense Report, they did not contact him. As such, and given that the Complainant was blind and could not himself identify the perpetrator, NE#1 could not proceed with his investigation. There is no evidence that NE#1 completed a deficient investigation or that his investigation was impacted by any bias against the Complainant.

With regard to the second case, the Complainant alleged that Named Employee #2 (NE#2) did not do anything to investigate the case or arrest the perpetrator. NE#2 responded to a theft of a cell phone from the Complainant’s pocket. NE#2 received a description of the perpetrator from a witness. NE#2 searched for the perpetrator and tried to track him using the find my phone function of the cell phone; however, he was unsuccessful and was ultimately unable to make an arrest. As with NE#1, there is no evidence that NE#2 completed a deficient investigation or that his investigation was impacted by any bias against the Complainant.

Lastly, the Complainant alleged that Named Employee #3 (NE#3) did not take his allegations seriously and did not conduct an adequate investigation, including not looking for witnesses or video of the incident. NE#3 was assigned the investigation of this case, in which the Complainant was arrested for stabbing someone twice. The investigation into this case, which remains open, including locating both witnesses and video. Accordingly, and as with the other Named Employees, there is no evidence that NE#3 completed a deficient investigation or that his investigation was impacted by any bias against the Complainant.

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, I find that all of the Named Employees conducted adequate investigations and that none of them discriminated against the Complainant for any reason. 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)**