



CLOSED CASE SUMMARY

ISSUED DATE: NOVEMBER 24, 2018

CASE NUMBER: 2018OPA-0507

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)

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 subjected her to biased 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 - Allegations #1

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

The Complainant contended that the Named Employees responded to a collision that she was involved in but that they did not take a statement from her or ask her what had happened. The Complainant alleged that this was due to her status as an Asian woman and the fact that English is her second language.

The Named Employees’ interactions with the Complainant were fully captured by the officers’ Body Worn Video (BWV). The BWV showed the Named Employees’ response to the scene and indicated that they spoke to both the Complainant and the other motorist involved the collision. The Named Employees explained to the Complainant that



when she took a U-turn, as she did in this case, it was her responsibility to clear the right of way. They told her that the accident occurred because she failed to do so in this case. They informed her that, due to this, she was at fault. The Complainant did not contest what the officers were saying. However, as she later told OPA and as the officers presumed, she did not fully understand what they told her at the time. That there was imperfect communication due to a language barrier, however, does not mean that there was biased policing at play.

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 and, most notably, the BWV that captured the Named Employees’ investigation and interaction with the Complainant, there was no evidence that they engaged in biased policing. To the contrary, the evidence suggests the opposite – that the Named Employees acted appropriately and consistent with policy at all times during this incident. They treated the Complainant respectfully and investigated the accident fairly. The Complainant was ultimately cited because she was conclusively at fault in the accident, not because of her race or because she did not speak English as her primary language. For these reasons, I recommend that this allegation be Not Sustained – Unfounded as against both Named Employees.

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

Named Employee #2 - Allegations #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)**