



CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 7, 2019

CASE NUMBER: 2018OPA-0801

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 due to his sexual orientation.

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.

OPA notes that there were additional allegations discovered at intake that were classified as Supervisor Actions and were, thus, handled by the Named Employees’ chain of command.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

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

Named Employee #1 (NE#1) and Named Employee #3 (NE#3) responded to a call for service regarding a domestic violence disturbance. The underlying incident involved property damage between two roommates, one of whom



was the Complainant. The Complainant's roommate alleged that the Complainant kicked in his bedroom door while he was away and that the Complainant rifled through the items in his bedroom. The roommate told police that he was concerned about the Complainant's strange behavior. This was documented in a General Offense report.

Approximately three weeks later, Named Employee #2 (NE#2) responded to a similar call for service. The roommate again requested police assistance after the Complainant caused damage to his property. NE#2 documented this matter in a General Offense Report. Following these reports, the Complainant filed an online complaint alleging bias due to his sexual orientation.

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 OPA's review of the record, including the Department video, there is no evidence indicating that the officers engaged in biased policing or acted in any type of a discriminatory manner towards the Complainant. While there was no probable cause established for arrest of the Complainant in either incident, there appears to have been valid concern surrounding the Complainant's behavior. The video reflected that the Named Employees were professional, investigated these matters fairly, and did not act impermissible towards the Complainant during either of these incidents. 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 - 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)**

Named Employee #3 - 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)**