



CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 7, 2020

CASE NUMBER: 2019OPA-0498

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 Named Employee #1 engaged in biased policing towards her.

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the review and approval of the Office of Inspector General for Public Safety, 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.

In addition to her allegation of biased policing, the Complainant asserted that a Department supervisor denied her medical attention and that Named Employee #1 was unprofessional towards her. These allegations were referred back to the chain of command for handling as a Supervisor Action.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

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

SPD's SWAT Unit executed a warrant at a residence. It was believed that a homicide suspect was therein. The Complainant was inside of the residence and was detained. She was handcuffed and walked to a patrol vehicle. She was seated in the rear of the patrol vehicle while the officers conducted their investigation. A bag that was in her possession was searched to determine whether she possessed a handgun. A pair of shears was located in the bag. The Complainant was ultimately released from handcuffs and was permitted to leave the scene.

The Complainant later initiated this complaint with OPA. Among other claims, she asserted that she was subjected to biased policing. Specifically, she contended that Named Employee #1 (NE#1) denied her medical attention and treated her disrespectfully based on her race.

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 OPA’s review of the evidence, including the BWV, there is no indication that the Complainant ever asked for medical attention, let alone that NE#1 purposely denied it. Moreover, there is no evidence suggesting that NE#1 ever yelled at or was disrespectful towards the Complainant. Lastly, OPA finds no evidence that NE#1’s actions were based the Complainant’s race or membership in any protected class. To the contrary, the Complainant was detained because she was inside of a residence that was being searched for a homicide suspect. This was legally permissible given the circumstances of this incident and the potential dangers posed by the occupants of the residence. As there is no evidence suggesting bias on NE#1’s part or, for that, matter, that she engaged in any misconduct, OPA recommends that this allegation be Not Sustained – Unfounded.

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