



## CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 17, 2020

CASE NUMBER: 2019OPA-0515

### **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 engaged in biased policing when they arrested the Subject.

### **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.

### **ANALYSIS AND CONCLUSIONS:**

#### **Named Employee #1 - Allegations #1**

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

The Named Employees were dispatched to a report of a woman suffering from a mental health crisis who was walking in traffic. The Named Employees knew the identity of the woman – who is referred to here as the Subject – as well as that she had an open warrant. The warrant was for felony arson and had a bail amount of \$300,000. The Named Employees located the Subject and took her into custody without incident.

After the Subject's arrest, the Named Employees spoke with her counselor. The counselor explained that the Subject had an allergic reaction to her medication. She gave the officers a list of the Subject's prescriptions. This was based on a request by Named Employee #1 (NE#1). The counselor discussed with the officers that the Subject needed mental health care. The officers indicated that there was a mental health facility at the jail and, as such, the Subject could receive care there from mental health professionals.



The Subject's daughter – the Complainant in this case – later expressed her frustration and disagreement with the officers' decision to arrest the Subject. The Complainant believed that the Subject should have been taken to a hospital and given treatment, not arrested. During a later conversation with the Crisis Response Unit Lieutenant, the Complainant alleged that the officers' actions were based on bias against the Subject due to the Subject's race and mental illness. The Lieutenant referred the Complainant's claims to OPA, and this investigation ensued.

As part of its investigation, OPA interviewed the Complainant. She reiterated her belief that the officers' actions were based on improper bias towards the Subject. OPA also reviewed the documentation concerning this incident, as well as watched the Body Worn Video (BWV) that captured the interaction between the officers and the Subject.

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.*)

OPA's investigation failed to uncover any evidence supporting the Complainant's allegation that the Named Employees engaged in biased policing. As discussed above, the CAD Call Log established that, prior to arriving on scene, the Named Employees were aware that the Subject had an open felony warrant for arson. As such, they had probable cause to place her under arrest. The BWV further reflected that their decision to do so was based solely on the warrant and not on any prejudice towards the Subject. While the Complainant's frustration concerning the Subject's arrest is understandable, it did not violate policy and did not amount to biased policing. As such, OPA recommends 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), OPA recommends that this allegation be Not Sustained – Unfounded.

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