



## ***CLOSED CASE SUMMARY***

ISSUED DATE: JANUARY 29, 2020

CASE NUMBER: 2019OPA-0700

### **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 stated that the Named Employee arrested him due to his gender.

#### **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 Employee. As such, the Named Employee was 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***

OPA's investigation indicated that officers, including Named Employee #1 (NE#1), were dispatched to a call concerning a domestic violence (DV) assault. The victim reported that her boyfriend – the Complainant – shoved a door into her after she had locked herself in the bedroom to get away from him. After arriving on scene, NE#1 interviewed the victim who repeated her allegations of assault against the Complainant. NE#1 also determined that there was damage to the door that corroborated the victim's account. Two other officers interviewed the Complainant. Based on the totality of the evidence uncovered during the investigation, the officers concluded that there was sufficient probable cause to arrest the Complainant for DV assault. After his arrest, the Complainant told the officers that he was only arrested because of his gender. His complaint of bias was relayed to a department supervisor who, in turn, referred this matter to OPA. This investigation ensued.

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.*)



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Based on OPA's review of the evidence, including the BWV, there was sufficient probable cause to arrest the Complainant for DV assault. There is no basis for a finding that NE#1 engaged in biased policing. To the contrary, the evidence establishes that the Complainant's conduct, not his gender, was the reason for his arrest. As such, OPA concludes that this allegation is completely unsupported by the evidence and recommends that this allegation be Not Sustained – Unfounded.

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