



## CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 30, 2020

CASE NUMBER: 2019OPA-0735

### **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 the Named Employee subjected her to biased policing while she was driving.

### **ANALYSIS AND CONCLUSIONS:**

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

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

The Complainant alleged that, at approximately 2:00 a.m. on September 29, 2019, she was driving her car, a black Chevy Impala without tinted windows, when she had an interaction with an unidentified SPD officer. She stated that the officer, who was in a marked patrol vehicle, pulled up next to her and shined a bright light into her window. She also contended that the officer tailgated her, followed her off of the highway, and then took a left turn when she went right. She asserted her belief that the officer's conduct was based on her race and gender and was meant to harass and intimidate her. The Complainant provided the patrol vehicle's number.

OPA initiated this investigation. It was determined that Named Employee #1 (NE#1) was assigned to the patrol vehicle in question. OPA further determined that NE#1 was driving his patrol vehicle on the highway around the time identified by the Complainant. OPA reviewed NE#1's In-Car Video (ICV). The video showed that NE#1 was driving on the highway when a black Impala – which OPA assumes was driven by the Complainant – began to drift into his lane. NE#1 honked his horn and the Impala moved back into its lane. After a short period of time, NE#1 pulled behind the Impala. He remained several car lengths away and did not appear to increase his speed. Notably, the video did not reflect that NE#1 ever tailgated the Impala. NE#1 remained behind the Impala for several exits. NE#1 then stayed on the highway after the Impala got off. From a review of the video, there was no indication that NE#1 ever shined a light at or in the vicinity of the Impala.

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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From OPA's review, there is no support for the allegation that NE#1 engaged in biased policing or that he operated his patrol vehicle in a harassing or intimidating manner. To the contrary, the video confirms that NE#1 did not engage in any of the behavior attributed to him by the Complainant. As such, OPA recommends that this allegation be Not Sustained – Unfounded.

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