



## ***CLOSED CASE SUMMARY***

ISSUED DATE: FEBRUARY 7, 2020

CASE NUMBER: 2019OPA-0816

### **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 pulled him over based on bias.

### **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***

The Complainant alleged that he was subjected to biased policing by Named Employee #1 (NE#1). He said that he was pulled over for speeding when multiple other motorists were driving similarly and did not get pulled over. He believed that he was targeted by NE#1 because of his race.

Due to the Complainant's allegation of bias, a supervisor was called to the scene. The supervisor verified that the Complainant had been driving 60-mph in a 40-mph zone. The supervisor further verified that the Complainant's rate of speed was conclusively determined by NE#1 using the LIDAR from 573.4 feet away. NE#1 specifically identified the Complainant's vehicle as speeding and stated that this was why he used the LIDAR on the Complainant. NE#1 denied that he improperly targeted the Complainant or that he was motivated by bias.

The supervisor spoke to the Complainant and relayed the above information to him. The Complainant continued to assert that the stop was based on bias. The Complainant referenced getting the ticket reversed and the supervisor said that this could not be done and that the ticket had to be challenged in court. The supervisor subsequently referred the Complainant's allegation of bias to OPA and this investigation ensued.



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OPA's investigation included interviewing the Complainant. He reiterated his allegation of bias. OPA also reviewed the BWV and the citation.

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, there is an insufficient basis to establish that NE#1 engaged in biased policing. First, the Complainant was, in fact, speeding as was verified by the LIDAR. Second, OPA finds it doubtful if not impossible that NE#1 would have been able to discern the race of a driver going 60 mph from nearly 600 feet away. Third and last, the Complainant's allegation that the citation was motivated by bias is supported by nothing other than conjecture. As such, OPA recommends that this allegation be Not Sustained – Unfounded.

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