



CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 13, 2020

CASE NUMBER: 2019OPA-0866

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 him to biased policing.

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 was pulled over by Named Employee #1 (NE#1) and was issued a citation. The Complainant later alleged that NE#1 stopped and cited him because of his race. The Complainant's bias allegation was reported to a supervisor and then referred to OPA. This OPA investigation ensued.

OPA's investigation determined that NE#1 stopped the Complainant because he drove through an intersection that had signage indicating that he could only make a right turn. The BWV indicated that the Complainant, who appeared agitated, stated that he should not receive a citation because he frequently drove through this same intersection in that manner. The BWV revealed that the Complainant asserted his belief that NE#1 discriminated against him because he is Black and NE#1 is Asian. The Complainant left the scene prior to a supervisor arriving.

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 the evidence – most notably, the BWV, OPA concludes that there is no indication that NE#1 engaged in biased policing. To the contrary, NE#1 observed the Complainant violate a traffic regulation and, accordingly, effectuated a traffic stop and cited him. Further, NE#1 did not express any animus towards the Complainant and gave no indication that he held any prejudice towards him. As such, OPA finds that the stop and citation was based on the Complainant’s conduct, not his race, and recommends that this allegation be Not Sustained – Unfounded.

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