



CLOSED CASE SUMMARY

ISSUED DATE: JULY 24, 2020

CASE NUMBER: 2020OPA-0309

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 he was detained and arrested based on his race by the Named Employees.

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.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

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

The Named Employees were on patrol when they were flagged down by an individual who stated that his bicycle had just been stolen. The victim provided a description of the bicycle, as well as of the suspect and the suspect's direction of travel. Approximately two minutes later, the officers observed a male who matched the description of the suspect, was traveling in the direction identified by the victim, and was riding a bicycle that was the same make, model, and color as that which was stolen.

The Named Employees stopped the male – who was later identified as the Complainant – based on the reasonable belief that he was the suspect. The victim came to the location and positively identified the Complainant. He was then placed under arrest. While being search incident to arrest, narcotics were found on the Complainant's person.

The Complainant later alleged that he was only stopped and arrested because of his race. His claim was referred to OPA and 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.*)

OPA’s review of the evidence – most notably, the Body Worn Video that fully recorded this incident – clearly indicates that there was abundant legal support for the Complainant detention and arrest. As noted above, he matched the suspect description, was riding an exact match to the stolen bicycle, and was riding in the direction identified by the victim. Even if he was not the perpetrator (which OPA explicitly does not find), the officers still would have acted reasonably in detaining and arresting him based on the totality of the circumstances. Ultimately, the Complainant was arrested based on his conduct, not his race, and any contention to the contrary is simply meritless.

For these reasons, OPA recommends that this allegation be Not Sustained – Unfounded.

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

Named Employee #2 - Allegation #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)**