



## ***CLOSED CASE SUMMARY***

ISSUED DATE: JULY 23, 2020

CASE NUMBER: 2020OPA-0364

### **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 stopped and arrested him based on his race.

### **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***

Officers, including Named Employee #1 (NE#1), responded to a call of a vehicle that was illegally parked in the roadway. The officers were further informed that the driver of the vehicle appeared to be passed out in the front seat. The officers located the vehicle and approached the front driver's side. The driver – who was later identified as the Complainant – did not initially wake up even after officers knocked on the window and tried to make verbal contact with him. Ultimately, the Complainant did regain consciousness and, at that time, drove away from the scene. The officers did not pursue the vehicle as they were not permitted to do so under policy. However, shortly thereafter, the Complainant crashed.

At that time, officers converged on the Complainant's location. Even after they pinned the Complainant in with their patrol vehicles, he continued to try to flee the scene. Eventually, the Complainant was removed from his vehicle and placed under arrest. He later alleged that he was arrested because of his race and his claim was referred to OPA. This investigation ensued.

As part of its investigation, OPA reviewed the Body Worn Video (BWV), which fully captured the incident. OPA also requested, through the Complainant's attorney, that he participate in an interview; however, he did not do so.



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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 – most notably, the BWV, it is clear that there was abundant probable cause for the Complainant’s arrest and that he was taken into custody based on his unlawful conduct not because of his race. Indeed, OPA finds that the Complainant’s assertion that he was subjected to biased policing to be entirely frivolous under the undisputed facts of this case. Accordingly, OPA recommends that this allegation be Not Sustained – Unfounded.

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