



## ***CLOSED CASE SUMMARY***

ISSUED DATE: APRIL 30, 2021

FROM: DIRECTOR ANDREW MYERBERG  
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2020OPA-0694

### **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 engaged in biased policing towards her.

### **ANALYSIS AND CONCLUSIONS:**

#### **Named Employee #1 - Allegation #1**

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

The Complainant complained to a Sergeant about actions engaged in by Named Employee #1 (NE#1) and another officer. The Complainant asserted that she was followed by a patrol vehicle for several blocks and that the officers were "glaring" at her and looking into her car. She felt that the officers' actions were intimidating. She further felt that the officers followed her because of her race and, thus, engaged in biased policing. Pursuant to policy, the Sergeant referred the complaint to OPA. This investigation ensued.

As part of its investigation, OPA determined that NE#1 was a Field Training Officer who was with a Student Officer at the time. NE#1 explained that he and the Student Officer were looking for seatbelt violations. During their shift, they stopped two vehicles, one of which was for a seatbelt violation. The Student Officer issued that driver a traffic warning rather than a citation. They also ran a number of license plates through their MDT systems but did not appear to stop any of those vehicles. Lastly, the officers assisted a motorist with a stopped vehicle, pushed that vehicle to a parking lot, and provided the motorist with a courtesy transport.

The officers recorded Body Worn Video and In-Car Video for the various actions they took. None of that video showed them following the Complainant or, for that matter, engaging in aggressive or biased actions towards her or any other motorists.

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



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characteristics of an individual.” (SPD Policy 5.140.) This includes different treatment based on the race of the subject. (*See id.*)

OPA finds it very possible that the Complainant perceived the officers to be glaring at her while they were inspecting her vehicle to make sure she was wearing her seatbelt. OPA also recognizes that the Complainant felt that she was being targeted because of her race. However, there is insufficient evidence in the record suggesting that this was the case. As such, and when applying the requisite burden of proof, OPA recommends that this allegation be Not Sustained – Unfounded.

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