



## ***CLOSED CASE SUMMARY***

ISSUED DATE: DECEMBER 1, 2021

FROM: DIRECTOR ANDREW MYERBERG  
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2021OPA-0256

### **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 her vehicle due to her race.

### **SUMMARY OF INVESTIGATION:**

The Complainant filed an OPA complaint in which she alleged that Named Employee #1 (NE#1) stopped her vehicle for an improper purpose. Specifically, she contended that the traffic stop was effectuated due to her status as a Black female and, thus, constituted biased policing. The Complainant noted in her complaint that the officer informed her that he ran her license plate, which formed the basis for the stop. However, the Complainant believed that this was not the real reason why she was stopped and, instead, was said to cover for NE#1's bias.

OPA reached out to the Complainant in order to interview her concerning her complaint. However, she did not respond to OPA and was, thus, not interviewed as part of this case.

OPA's investigation included reviewing the Body Worn Video (BWV) and In-Car Video (ICV) for this incident. The video showed the traffic stop in question, as well as the interaction between the Complainant, NE#1, and two other officers at the scene.

The BWV indicated that NE#1 approached the driver's side window, introduced himself, and told the Complainant that he was recording. NE#1 informed the Complainant that the registered owner of the vehicle had a suspended license. The Complainant confirmed that her license was suspended. She also informed NE#1 that she had a "blow and go" and that she had paid her fines. The Complainant asked NE#1 why he ran her plates and he told her that he did that all the time as part of his job. NE#1 identified that the Complainant was not wearing her seatbelt and the Complainant stated that she just got into the car. The Complainant asked why three officers responded to this traffic stop. NE#1 said that all three officers had been riding in the same vehicle together, so all exited during the traffic stop. NE#1 obtained the Complainant's license, registration, and proof of insurance. NE#1 subsequently informed the Complainant that she would be receiving a citation for driving with a suspended license in the second degree and told



her that she was not permitted to drive. He also gave her a warning for failing to wear a seatbelt and for failing to secure her child (who was in the rear) in a car seat.

Lastly, OPA reviewed NE#1's resource history for a two-week period to verify his claim to the Complainant that he regularly runs license plates as part of his job. OPA determined that he did, in fact, do so and found no evidence that he was abusing such searches or performing them in an improper fashion that suggested bias on his part.

#### **ANALYSIS AND CONCLUSIONS:**

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

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

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.*)

At the time of the traffic stop, NE#1 told the Complainant that he stopped her based on a suspended license. The Complainant, herself, confirmed that her license was, in fact, suspended. The Complainant's argument here is not that NE#1 inaccurately described the status of her license, but that the initial running of her plate and the three-officer response to the call constituted bias. However, OPA concludes that both allegations are not supported by the evidence.

First, NE#1 stated that he had a practice of running license plates as a normal part of his job. OPA's review of his resource history indicated that this was accurate. As indicated above, that search also did not identify any improper or biased searches for vehicles.

Second, the three-officer call response was caused by the fact that all of the officers were riding together in the same patrol vehicle. When NE#1 made the decision to effectuate the stop, all three officers exited the vehicle; however, NE#1 was clearly the lead officer. In any event, this did not constitute biased policing.

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

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