



## CLOSED CASE SUMMARY

ISSUED DATE: JULY 12, 2023

FROM: DIRECTOR GINO BETTS   
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2023OPA-0026

### **Allegations of Misconduct & Director's Findings**

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.140 - Bias-Free Policing, 5.140-POL-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 Named Employee #1 (NE#1) engaged in bias-based policing when NE#1 indicated that Community Member #1's (CM#1) license plate was stolen during a traffic stop. The Complainant further alleged that the traffic stop was pretextual to harass CM#1 for being African American.

### **ADMINISTRATIVE NOTE:**

The Office of Inspector General (OIG) certified OPA's investigation as thorough, timely, and objective.

### **SUMMARY OF INVESTIGATION:**

The Complainant was CM#1's boss. CM#1 drove the company truck to install a signpost. The Complainant alleged that on January 6, 2023, NE#1 approached CM#1 and told CM#1 that the truck was stolen as a pretext for contacting CM#1 because CM#1 was African American. The Complainant was not at the scene, but CM#1 called the Complainant during the incident. The Complainant stated that NE#1 was polite to CM#1 throughout the interaction.

NE#1's BWV captured the entirety of his interaction with CM#1. NE#1 was in his patrol car when he stopped near the truck and told CM#1—next to the truck in his work uniform—that the truck's license plate "comes back stolen." NE#1 exited his patrol car, and CM#1 raised his hands. NE#1 stated that CM#1 was "not in any trouble" and that he would check the truck's vehicle identification number (VIN). NE#1 checked the VIN and returned to his patrol car. CM#1 asked how NE#1 concluded the truck was stolen. NE#1 responded that the area was known for stolen cars. NE#1 then informed dispatch that there was a "mis-hit." CM#1 called the Complainant to explain the situation. NE#1 offered to show the "possibly stolen" warning on his computer to CM#1, but CM#1 did not respond. While CM#1 explained the situation to the Complainant over the phone, NE#1 stated, "I will get out of your hair," and offered again to show CM#1 the Department of Licensing information, noting the truck was possibly stolen. NE#1 left the scene.



OPA interviewed NE#1. NE#1 stated he routinely patrolled that area because it was known for having stolen vehicles. He also said he ran license plates in his patrol car's computer, equipped with an automatic license plate reader (ALPR). NE#1 said the ALPR alerted him to the possibly stolen truck, which prompted NE#1 to make a U-turn to investigate the truck further. NE#1 explained that the ALPR sometimes misreads a license plate, requiring him to ascertain a match between the ALPR system and the license plate. NE#1 also said he needed to verify the VIN in case he received a mis-hit. NE#1 recalled that, upon further investigation, he realized the alert was a mis-hit. NE#1 said he was only aware of the truck from the ALPR alert. NE#1 said he did not see CM#1 until after NE#1 completed a U-turn to check on the truck. NE#1 denied race was a factor that he considered as he approached the truck.

OPA also reviewed this incident's computer-aided dispatch (CAD) call report. CAD records indicated that the Department of Licensing did provide a notification that CM#1's truck was "possibly stolen." OPA also confirmed that NE#1's vehicle had an ALPR.

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

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

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

The Complainant alleged that NE#1 engaged in bias-based policing based on race.

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-POL. This includes different treatments based on the race of the subject. *See id.*

Based on a review of the evidence, OPA concludes that more likely than not, NE#1 did not engage in bias-based policing. First, OPA found that NE#1's attention was drawn to the truck due to an ALPR alert of a possible stolen vehicle and not due to CM#1's race. Moreover, Department of Licensing information showed that the truck had a "possible stolen" warning. Second, it is unlikely that NE#1 saw CM#1 before he decided to check the vehicle. NE#1 stated he did not see CM#1 until after NE#1 completed his U-turn and stopped next to the truck. This is corroborated by NE#1's In-Car Video (ICV), which did not show CM#1 standing near the truck when NE#1 first drove by. Third, the BWV and interviews showed NE#1 acting to de-escalate CM#1's concerns throughout the contact. Notably, at the outset of the interaction, CM#1 was informed that his company truck was possibly stolen. CM#1 immediately raised his hands, but NE#1 interjected, stating, "...no, you're not in any trouble." There is no evidence to substantiate the claim that NE#1 engaged in bias-based policing during this encounter.

Accordingly, OPA recommends that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained - Unfounded**