




CLOSED CASE SUMMARY

ISSUED DATE: NOVEMBER 18, 2023

FROM: DIRECTOR GINO BETTS, JR. 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0226

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 (Expedited)

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:

Named Employee #1 (NE#1) conducted a traffic stop and cited the Complainant for failing to have a rear license plate. The Complainant alleged that NE#1 was racially biased.

ADMINISTRATIVE NOTE:

During its intake investigation, OPA identified NE#1 failing to request an interpreter for the Complainant. OPA sent NE#1's potential violation of SPD Policy 15.250 (Interpreters and Translators) to his chain of command for Supervisor Action.¹

This case was approved for Expedited Investigation. That means OPA, with the Office of Inspector General's (OIG) agreement, believed it could issue a recommended finding based solely on its intake investigation without interviewing the named employee. As such, OPA did not interview the named employee in this case.

On June 25, 2024, OIG certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

On May 22, 2024, Witness Supervisor #1 (WS#1)—a sergeant—filed an OPA complaint on the Complainant's behalf. WS#1 wrote that NE#1 conducted a traffic stop and cited the Complainant for failing to have a rear license plate. WS#1 wrote that he responded to the incident location and spoke with the Complainant, who alleged that he was mistreated based on race.

OPA investigated the complaint by reviewing the computer-aided dispatch (CAD) call report, body-worn video (BWV), infraction, and NE#1's infraction history. OPA also interviewed the Complainant.

¹ Supervisor Actions generally involve a minor policy violation or performance issue the employee's supervisor addresses through training, communication, or coaching. See OPA Internal Operations and Training Manual section 5.4(B)(ii).



On May 22, 2024, at 12:51 PM, "TRAFFIC STOP – OFFICER INITIATED ONVIEW" was coded into CAD.

BWV captured the following:

On Interstate 5, NE#1 pulled over a vehicle with tinted windows and a missing rear license plate. NE#1 approached the Complainant, told him he did not have a rear license plate, and requested his driver's license. The Complainant said he did not speak English and then used a translator app on his phone to communicate with NE#1. NE#1 repeatedly asked for the Complainant's driver's license. The Complainant presented his driver's license to NE#1 but appeared to hold onto it when NE#1 grabbed it, prompting NE#1 to pull it from the Complainant's hand. The Complainant said he had his permit, and NE#1 asked to see it. The Complainant retrieved a temporary permit from the back seat and handed it to NE#1. NE#1 returned to his motorcycle, wrote an infraction, and reapproached the Complainant. NE#1 told the Complainant that the temporary permit needed to be on the outside of his vehicle. The Complainant requested a supervisor. NE#1 radioed for a supervisor and handed the infraction, temporary permit, and driver's license to the Complainant, who appeared upset about the infraction. NE#1 and the Complainant moved their motor vehicles away from the freeway and awaited WS#1. The Complainant claimed NE#1's traffic stop was "racism."

WS#1 arrived. NE#1 told WS#1 that he pulled over the Complainant for a missing rear license plate and could not see inside the vehicle due to the tinted windows. NE#1 screened the Complainant's racism allegation with WS#1. WS#1 asked the Complainant about his racism allegation. The Complainant said he was a good person. WS#1 asked whether NE#1 made any derogatory statement. The Complainant's response could not be heard due to the freeway noise. The Complainant requested WS#1 submit an OPA complaint about his police interaction.

NE#1 noted the following in the Complainant's infraction:

...I could see the listed vehicle had no rear facing registration and dark tinted windows.... The driver provided me with a trip permit for the listed vehicle that he retrieved from the rear of the vehicle. The rear window tint is so dark I cannot see through it or see the occupants of the vehicle. I issued this infraction.

OPA searched for license plate infractions NE#1 issued between January 2023 and May 2024 and located the following infractions: 12 to white drivers, one to a Black driver, one to an Indian driver, one to an Asian driver, and four to drivers whose races were unknown.

On May 29, 2024, OPA interviewed the Complainant. The Complainant said he recently purchased his vehicle and kept the temporary permit inside to prevent it from getting wet from the rain. The Complainant said NE#1 rudely took his driver's license, indicating racial bias. The Complainant said NE#1 cited him, even though NE#1 verified a valid permit, further indicating racial bias.

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 was racially biased.



Biased policing means “the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws as well as other discernible personal characteristics of an individual.” SPD Policy 5.140-POL. It includes different treatment based on race. *See id.* Officers are forbidden from making decisions or taking actions influenced by bias and expressing prejudice or derogatory comments concerning personal characteristics. *See* SPD Policy 5.140-POL-2.

NE#1 told the Complainant he was pulled over for tinted windows and a missing rear license plate—features consistent with OPA’s BWV observations. NE#1 could not have known the Complainant’s race before contacting him due to the tinted windows. Although the Complainant produced a temporary permit, NE#1 explained that it needed to be on the outside of his vehicle. The Complainant also said the way in which NE#1 took his driver’s license indicated bias, but BWV showed the Complainant refusing to release his grip on the license, prompting NE#1 to pull it from his hand. Finally, as noted above, NE#1’s citation history did not indicate bias against the Complainant’s race. Overall, OPA found no evidence supporting the Complainant’s interpretation of race-based mistreatment.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

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