



CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 23, 2018

CASE NUMBER: 2016OPA-1208

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)

Named Employee #2

Allegation(s):		Director’s Findings
# 1	5.140 - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing	Not Sustained (Unfounded)

Named Employee #3

Allegation(s):		Director’s Findings
# 1	5.140 - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing	Not Sustained (Unfounded)

Named Employee #4

Allegation(s):		Director’s Findings
# 1	5.140 - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing	Not Sustained (Unfounded)

Named Employee #5

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 Employees only stopped him because of his race.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

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

The Named Employees were dispatched to a call of a man carrying a gun who was following a woman. The call included a description of the man and what type of vehicle he was driving. While searching for the suspect – who



was later identified as the Complainant, the officers found a vehicle stopped in the middle of the road with the lights turned off. It matched the vehicle description provided on the call.

When officers approached, the Complainant, who was in the vehicle, turned into a driveway. The Complainant then walked towards the officers with his hands in his pockets. The Complainant matched the suspect description that had been provided. The officers ordered the Complainant to sit on the ground on multiple occasions but he did not. The Complainant continued to approach the officers and indicate that they were racist, were engaging in law enforcement activity towards him because he was African-American, and that the officers had no legal authority to stop him. During this time, the Complainant was animated and verbally aggressive towards the officers.

The Named Employees ultimately detained the Complainant. The victim arrived at the scene and positively identified the Complainant as the suspect and the Complainant's vehicle as belonging to the suspect. The Complainant was then placed under arrest.

Based on the Complainant's conduct and on the fact that both he and his vehicle matched the descriptions provided by the caller, the officers had reasonable suspicion to detain him. Moreover, once he and his vehicle were identified by the victim, the officers had probable cause to place him under arrest.

Both during and subsequent to his arrest the Complainant asserted that he was subjected to biased policing. Accordingly, a supervisor was notified, this matter was ultimately referred to OPA, and this investigation ensued.

The entire interaction between the Named Employees and the Complainant was captured on In-Car Video. During the incident, the Named Employees appeared to be professional and patient with the Complainant despite his angry and hostile responses to their questions and the curse words and slurs he directed towards them. Simply stated, there is no evidence that the Named Employees engaged in biased policing. The Complainant was stopped and arrested based on the fact that he and his vehicle matched the descriptions provided by the victim and because he was positively identified after the fact – not due to bias on the part of any SPD employee. As such, I recommend that this allegation be Not Sustained – Unfounded.

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

Named Employee #2 - Allegation #1

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

For the reasons stated above (see Named Employee #1, Allegation #1), I recommend that this allegation be Not Sustained – Unfounded.

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

Named Employee #3 - Allegation #1

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

For the reasons stated above (see Named Employee #1, Allegation #1), I recommend that this allegation be Not Sustained – Unfounded.



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

Named Employee #4 - Allegations #1

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

For the reasons stated above (see Named Employee #1, Allegation #1), I recommend that this allegation be Not Sustained – Unfounded.

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

Named Employee #5 - Allegation #1

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

For the reasons stated above (see Named Employee #1, Allegation #1), I recommend that this allegation be Not Sustained – Unfounded.

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