



ISSUED DATE: MARCH 19, 2018

CASE NUMBER: 2017OPA-1027

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)

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 he was arrested because of his gender and race and, thus, that he was subjected to biased policing in violation of Department policy.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

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

The Complainant, who is African-American, stated that the Named Employees were biased against him because he was arrested and his girlfriend, who is white, was not arrested. The Named Employees were dispatched to a domestic violence call. The Complainant’s girlfriend reported that the Complainant slapped her and threw alcohol in her face. The Named Employees spoke with the victim who stated that the Complainant had gone into his apartment. The Named Employees tried to make contact with the Complainant but he did not initially answer his door. Ultimately, the Complainant did come out into the hallway to speak with the Named Employees. He alleged that his girlfriend had thrown a phone at him and slapped him. The officers conferred with each other and reached the joint determination that, even though the girlfriend may have been involved in escalating the incident, the Complainant was the primary aggressor. They then informed the Complainant that he was under arrest, which was legally required based on their determination, and took him into custody.

When he was arrested and after his arrest, the Complainant made allegations of racial and gender bias against both officers. A supervisor was notified and the supervisor ultimately submitted the Complainant’s allegation to OPA. This investigation ensued.



OPA attempted to interview the Complainant but the Complainant did not respond to the request to interview him. OPA did interview the Named Employees, both of whom denied engaging in biased policing. Both of the Named Employees stated that they had probable cause to believe that the Complainant was the primary aggressor in a domestic violence incident and that his arrest for assault was mandatory. Another witness officer was also interviewed. This officer also asserted that the Complainant's actions, not his race, were the basis for his arrest and that the arrest was mandatory.

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 as other discernible personal characteristics of an individual." (SPD Policy 5.140.) This includes different treatment based on the race of the subject. (*See id.*)

Based on my review of the record, I find that there was probable cause for the Complainant's arrest. I further find that his conduct, not his race, was the reason that law enforcement action was taken against him by the Named Employees. Lastly, I conclude that there is no evidence suggesting that the Named Employees subjected the Complainant to biased policing or treated him differently based on his race or gender. As such, I recommend that this allegation be Not Sustained – Unfounded as against both Named Employees.

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

Named Employee #2 - Allegation #1

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

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

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