



CLOSED CASE SUMMARY

ISSUED DATE: MAY 29, 2019

CASE NUMBER: 2019OPA-0004

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:

On December 21, 2018, the Named Employee and other officers were dispatched to keep the peace during a potential domestic violence situation. During this incident, the Complainant asked the Named Employee for three forms of identification. The Complainant alleged that the Named Employee did not provide the requested forms of identification due, at least in part, to the Complainant's race.

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the Office of Inspector General’s review and approval, believed that it could reach and issue recommended findings based solely on its intake investigation and without interviewing the Named Employee.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

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

Officers were dispatched to a potential domestic violence disturbance that was occurring in a private residence. Upon arrival, they were invited inside the residence and remained inside in order to help two of the involved individuals move their belongings from the residence. This lasted for several minutes and was done with the consent of all of the parties present inside the residence at that time. The officers, including Named Employee #1 (NE#1), stood by, maintained a safe environment, and kept the peace. This entire incident and the law enforcement activity engaged in by NE#1 was recorded on Body Worn Video (BWV).

The Complainant was one of the individuals who was inside of the residence. During the incident, he asked NE#1 for her name and shield number. She provided this information to him. The Complainant further requested that NE#1 show him her identification card. NE#1 declined to do so and again provided her name and shield. The Complainant then told NE#1 that she was required to provide him with three forms of identification upon his request. She again gave her name but did not provide any other forms of identification. She was later captured on BWV asking another



officer whether he had SPD business cards and telling that other officer that she had no intention of providing her personal identification card to the Complainant.

After the incident, the Complainant went to the East Precinct and spoke with a Sergeant. The Complainant alleged that NE#1's failure to provide him with the three forms of identification that he requested was based on bias towards him due to his race. The Sergeant referred the Complainant's allegation to OPA and this investigation was initiated.

During its investigation, OPA contacted the Complainant and attempted to interview him; however, he declined to be interviewed. The Complainant told OPA that he already provided the details of this incident to the Sergeant at the East Precinct.

SPD Policy 5.140 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." This includes different treatment based on the race of the subject. (*See id.*)

Based on OPA's review of the evidence – most notably, the BWV, OPA concludes that the Complainant's allegation that NE#1 engaged in biased policing towards him is without merit. NE#1 provided the Complainant with her name and shield number and was not required, as the Complainant's contended, to provide him with three forms of identification pursuant to his request. Moreover, contrary to the Complainant's assertion otherwise, OPA knows of no constitutional or other legal provision that would have required her to do so.

The above being said, OPA notes that SPD Policy 5.001-POL-7 does mandate that a Department employee present an identification card for inspection when it is specifically requested by a community member. As such, NE#1 was incorrect when she declined to do so here. Regardless, there is no evidence that NE#1 was biased in any respect or that she committed any misconduct during this incident, which is the allegation at issue in this case.

For the above reasons, I recommend that this allegation be Not Sustained – Unfounded.

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