



## CLOSED CASE SUMMARY

ISSUED DATE: MARCH 24, 2018

CASE NUMBER: 2017OPA-1107

### 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:

The Complainant alleged that he was arrested because of his race.

### ANALYSIS AND CONCLUSIONS:

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

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

Named Employee #1 (NE#1) developed probable cause to arrest the Complainant (who is African American) when he observed the Complainant use a digital scale to weigh marijuana in a bag and then give those drugs to a person in exchange for money. NE#1 observed the Complainant make a second exchange of marijuana for a jacket with a price tag still on it.

NE#1 requested that other officers stop the Complainant. The Complainant was detained, arrested, and searched incident to arrest. During the search, the following items were located: a digital scale with marijuana residue; \$115; a plastic bag of marijuana; and the jacket with a price tag on it, which was valued at \$225. At the time of his arrest, the Complainant alleged that he was stopped based on his race.

A supervisor came to the scene and spoke with the Complainant. The Complainant alleged that he was racially profiled because he was arrested and the buyer, who was white, was not arrested. The Complainant admitted trading marijuana for the jacket, but he denied that this constituted a drug sale. Lastly, the Complainant alleged that an officer (identified by the supervisor as potentially being NE#1) said to him: “We need to clean up the streets from people like you drug dealers.” The Complainant interpreted the term “you people” to pejoratively refer to his race. The Complainant was asked by the supervisor whether he wanted to file an OPA complaint. Based on the Complainant’s response, this matter was referred to OPA by the supervisor.

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



---

During its investigation, OPA reviewed Department video, the documentation connected to this case, and interviewed NE#1. OPA attempted to contact the Complainant by phone and letter, but was unsuccessful. As such, the Complainant was not interviewed by OPA.

NE#1 denied engaging in biased policing. He stated that the Complainant's arrest was based on his observed illegal conduct, not his race. The Department video corroborates NE#1's account and reveals no evidence of bias. It further does not indicate that any officer, let alone NE#1, referred to the Complainant using the term "you people." Accordingly, based on a review of the objective evidence in this case, there is no indication that NE#1 engaged in biased policing or violated SPD policy in any respect. As such, I recommend that this allegation be Not Sustained – Unfounded.

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