



## CLOSED CASE SUMMARY

ISSUED DATE:     APRIL 26, 2018

CASE NUMBER:    2017OPA-1166

### 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 the Named Employees engaged in biased policing contrary to Department policy.

### ANALYSIS AND CONCLUSIONS:

**Named Employee #1 - Allegations #1**

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

The Named Employees were dispatched to a call concerning a trespass at a vacant residence. When they arrived at the scene, they met the homeowner who informed them that the Complainant had been inside of the residence without the homeowner’s permission. At that time, the officers observed that the Complainant was standing in the fenced-off yard of the residence. The officers made contact with the Complainant, who at first denied being inside the house but later admitted that he had been looking for a place to stay and that he had been sleeping in the house. Around the residence were numerous posted “no trespassing” signs.

The officers contended that, at this point, they believed that they had probable cause to arrest the Complainant for trespass and did so. After his arrest, and while standing in front of the officers’ patrol vehicle, the Complainant asserted that the Named Employees engaged in biased policing towards him. Specifically, he alleged that: “If I was a white boy...if I was a white boy...I wouldn’t be under arrest... for going on (someone else’s) property...”

A sergeant responded to the scene and discussed the Complainant’s allegation of bias with him. The supervisor thoughtfully attempted to explain the officers’ actions, but the Complainant was not satisfied by this discussion. Accordingly, consistent with policy, the supervisor referred this matter to OPA.



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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.*)

At their OPA interviews, both Named Employees denied engaging in biased policing. They contended that they had abundant probable cause to arrest the Complainant and that his race had nothing to do with his arrest. Based on my review of the evidence, I agree that the officers had probable cause to believe that the Complainant was trespassing. I find that his illegal conduct, not his race, was the basis for his arrest and for the law enforcement action taken towards him by the Named Employees. As such, I recommend that this allegation be Not Sustained – Unfounded as against both Named Employees.

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

**Named Employee #2 - Allegations #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)**