



CLOSED CASE SUMMARY

ISSUED DATE: SEPTEMBER 3, 2018

CASE NUMBER: 2018OPA-0218

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 the Named Employee engaged in biased policing.

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the OPA Auditor’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. As such, the Named Employee was not interviewed as part of this case.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

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

On the date in question, Named Employee #1 (NE#1) was on patrol in a marked vehicle. He observed a car parked in a grocery store parking lot. NE#1 ran the license plate of the car, which was a black Acura. However, the license plates returned as belonging to a Honda Odyssey. NE#1 activated his vehicle’s emergency lights and approached the Acura. He spoke to a male, who appeared to be an occupant of the car, and informed him of the basis for the stop and the fact that the license plates did not match the Acura. The male indicated that the car belonged to a family member, but did not have proof of registration or the title. NE#1 looked up the VIN of the Acura and determined that it was reported by an insurance company as being totaled. NE#1 contacted the previous owner, who confirmed that the car had been picked up from her yesterday by a salvage company. The male indicated that he got the car from his niece, who worked for the salvage company. When asked about the license plates, the male stated that they were on the car when it was given to him. NE#1 obtained the male’s identification and learned that he had been arrested in the previous year for auto theft.

There was a female passenger in the car, who is the Complainant in this case. She refused to identify herself to officers. During the stop, the Complainant asked the officers why they were harassing her and the male. She further alleged that NE#1 had only approached them and effectuated the stop because of their race. Based on this



allegation NE#1 notified a supervisor. The supervisor came to the scene and spoke with the Complainant. Pursuant to the Complainant's request, the supervisor forwarded this matter to OPA and this investigation ensued.

After conducting a preliminary review, OPA designated this case as an Expedited Investigation. OPA attempted to locate and interview both the male and the Complainant, but, given the lack of contact information for them, the assigned investigator was unable to do so.

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.*) The policy provides guidance as to when an allegation of biased policing occurs, explaining that: "an allegation of bias-based policing occurs whenever, from the perspective of a reasonable officer, a subject complains that he or she has received different treatment from an officer because of any discernable personal characteristic..." (*id.*)

The Complainant was contacted by NE#1 because the license plates on the Acura did not match the car. This constituted a violation of law and reasonably suggested to NE#1 that the car could be stolen. Based on my review of the record, including the Department video, I find that there was abundant reasonable suspicion to investigate the car's license plates. This, not the Complainant's or the male's race, was the reason that NE#1 engaged in law enforcement action toward them. There is no evidence establishing that the NE#1, instead, engaged in biased policing. As such, I recommend that this allegation be Not Sustained – Unfounded.

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