



CLOSED CASE SUMMARY

ISSUED DATE: MARCH 26, 2019

CASE NUMBER: 2018OPA-1011

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 subjected him to 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 Employees. As such, the Named Employees were not interviewed as part of this case.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

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

The Complainant called 911 and reported that an unknown make was kicking the door to his room in a shared residence. The Named Employees responded and spoke with the Complainant and his brother. Both expressed their frustration with the time it took for the officers to respond. The Complainant and his brother also stated that they were afraid. The Named Employees explained that the conduct described was not necessarily a crime but told the Complainant that they would document the incident in a report if the Complainant so desired. The Complainant responded: “You guys don’t consider this serious because this is a Black voice talking to you.” The Complainant was then provided with a business card and a supervisor was called to the scene. The supervisor discussed this matter with the Complainant, who reiterated his belief that the officers did not take the incident seriously because of the Complainant’s race. The supervisor then referred this matter to OPA and this investigation ensued.

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.*)

While I can understand the Complainant’s frustration that no arrests were made for the conduct he reported, I find no evidence in the record supporting his allegation that the lack of law enforcement action was based on bias. Here, the officers believed in good faith that they did not have a sufficient basis or, for that matter, sufficient information to make an arrest. There is no indication that they in any way acted due to bias or that they reached their decisions based on some inappropriate reason. For these reasons, 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)**