



## **CLOSED CASE SUMMARY**

ISSUED DATE:      MAY 9, 2019

CASE NUMBER:     2018OPA-1074

### **Allegations of Misconduct & Director’s Findings**

**Named Employee #1**

<b>Allegation(s):</b>		<b>Director’s Findings</b>
# 1	5.140 - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing	Not Sustained (Unfounded)

**Named Employee #2**

<b>Allegation(s):</b>		<b>Director’s Findings</b>
# 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 towards her based upon her race.

**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 - Allegations #1**

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

The Complainant in this case was arrested as part of an on-view narcotics operation. Named Employee #1 (NE#1) had reason to believe that the Complainant secreted narcotics on her person and obtained approval to conduct a strip search. During the strip search, the Complainant stated that she was only arrested based upon her race. Named Employee #2 (NE#2) attempted to discuss the basis for the arrest with the Complainant. However, the Complainant again stated her arrest was based upon her race.

The Named Employees both reported the Complainant’s allegations to a Department supervisor. The supervisor attempted to speak with the Complainant. During that conversation, the Complainant asked that this matter be referred to OPA. The supervisor made the referral and this OPA investigation ensued.



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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.*)

From my review of the record, including the Department video, I find no evidence establishing that the Named Employees engaged in biased policing or acted in any type of a discriminatory manner towards the Complainant. As such, I recommend that this allegation be Not Sustained – Unfounded as against the 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)**