



CLOSED CASE SUMMARY

ISSUED DATE: APRIL 24, 2019

CASE NUMBER: 2018OPA-1065

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 towards him based upon his 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 Named Employee (NE#1) in this case conducted a traffic stop. The driver was not able to produce valid proof of insurance and had a suspended license. The driver contacted her boyfriend, who is the Complainant in this case, to bring proof of insurance to the traffic stop because he was the owner of the vehicle that NE#1 stopped.

The Complainant drove another vehicle to the scene and contacted NE#1. NE#1 spoke with the Complainant and NE#1 reported smelling a strong odor of marijuana emanating from the Complainant’s person. The Complainant admitted to NE#1 that he had smoked marijuana earlier in the day. NE#1 further determined the Complainant’s driver’s license was also suspended. The Complainant got into the vehicle that he drove to the scene and began to drive away. NE#1 told the Complainant to stop the car and began investigating DUI and the Complainant driving without a valid license. NE#1 subsequently placed the Complainant under arrest. The Complainant asserted that NE#1 arrested him based upon his race. The screening supervisor filed an OPA complainant on the Complainant’s behalf 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.*)

From OPA’s review of the record, including the Department video, I find no evidence indicating that NE#1 engaged in biased policing or acted in any type of a discriminatory manner towards the Complainant. NE#1 had probable cause to make the arrest and did not have the discretion to allow the Complainant to drive away while potentially impaired and without a valid license. As such, I recommend that this allegation be Not Sustained – Unfounded.

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