



CLOSED CASE SUMMARY

ISSUED DATE: JUNE 20, 2018

CASE NUMBER: 2018OPA-0054

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 racial profiling when the Named Employee contacted him for a criminal traffic violation.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #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 driving a patrol vehicle equipped with an Automated License Plate Reader (ALPR) system. The ALPR produced a “hit” for a vehicle, which indicated that it was registered to a driver with a suspended license. NE#1 made the traffic stop and the driver – later identified as the Complainant – confirmed that he was the registered owner and told NE#1 that his license was not suspended. However, NE#1 checked the Complainant’s identification and confirmed that he had a suspended license. NE#1 then placed the subject under arrest. NE#1 explained the reason for the arrest to the Complainant multiple times.

After he was placed under arrest, the Complainant alleged that NE#1 had racially profiled him. NE#1 called a supervisor to the scene to screen the incident. The supervisor spoke with the Complainant, who did not initially make a complaint of bias. The supervisor then spoke with NE#1 who informed him of the allegation. The supervisor again spoke with the Complainant who then claimed that he had been racially profiled because he was Hispanic. The supervisor asked the Complainant whether he wanted to file a complaint with “internal affairs” and the Complainant said that he did. This matter was referred to OPA by the supervisor 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.*)



Based on my review of the record, including the Department video, I find no evidence suggesting that the Named Employee profiled the Complainant or that his stop was effectuated because of bias. Accordingly, I recommend that this allegation be Not Sustained – Unfounded.

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