



## CLOSED CASE SUMMARY

ISSUED DATE: OCTOBER 10, 2018

CASE NUMBER: 2018OPA-0346

### 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 bias policing.

#### ANALYSIS AND CONCLUSIONS:

##### **Named Employee #1 - Allegations #1**

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

Named Employee #1 (NE#1) responded to a fight in progress. When he arrived at the scene with other officers, he spoke with a group of individuals. This group, which was comprised of five to six males and one female, admitted that there had been an altercation but stated that it was a “misunderstanding.” The officers reported, and the Department video confirmed, that the female – who was later identified as the Complainant – was intoxicated. At one point, NE#1 asked her whether she had a certain last name, which was East African in origin. The name that he mentioned was the Complainant’s brother’s name. The Complainant became upset and alleged that both she and her brother were being profiled. She stated that multiple East Africans had the name referenced by NE#1 and, as such, they are always being stereotyped.

Department 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 discernible personal characteristic...” (*Id.*)

Pursuant to policy, a Sergeant reviewed this case due to the Complainant’s allegation of bias. The Sergeant conducted a preliminary investigation and reviewed Body Worn Video and the report generated by one of the witness officers. Based on that evidence, the Sergeant determined that there was no indication of bias. After reviewing the same evidence, I agree. There is no support in the record for finding that NE#1 engaged in biased



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policing or that he was profiling the Complainant when he referenced her brother's name. Moreover, there was no adverse action taken against the Complainant. She was lawfully detained to investigate whether she was involved in a physical altercation and, even though she admitted to doing so, she was not arrested. Lastly, I note that OPA tried to locate and interview the Complainant but was unsuccessful. As such, she presented no evidence buttressing her allegation. For these reasons, I recommend that this allegation be Not Sustained – Unfounded.

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