



CLOSED CASE SUMMARY

ISSUED DATE: DECEMBER 31, 2018

CASE NUMBER: 2018OPA-0553

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)

Named Employee #3

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 engaged in biased policing towards him.

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 - Allegation #1

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

Named Employee #1 (NE#1) and Named Employee #2 (NE#2) were called to a disturbance with a potential bias element involving the Complainant. The Complainant was living in a van across the street from the 911 caller. An argument ensued after the 911 caller asked the Complainant to stop yelling at a female that was living in the van with the Complainant. The 911 caller stated that the Complainant then made threats against him based on the caller’s sexual orientation. NE#1 and NE#2 responded to the scene, conducted a preliminary investigation, and, as a result of that investigation, developed probable cause to arrest the Complainant for Malicious Harassment.



Following his arrest, the Complainant alleged that law enforcement action was taken against him due to his race and housing status. Named Employee #3 (NE#3), a supervisor, was made aware of this allegation and referred this matter to OPA.

As part of its investigation, OPA attempted to interview the Complainant. However, the Complainant failed to respond to emails, written correspondence, and phone calls.

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, I find no evidence indicating that the officers engaged in biased policing or acted in any type of a discriminatory manner towards the Complainant. Probable cause was developed to arrest the Complainant based on information that was provided by the 911 caller and an independent witness. Moreover, given that the Complainant failed to respond to OPA’s requests for an interview, he did not controvert this evidence. Accordingly, I conclude that the Named Employees acted consistent with policy during this incident and without bias. As such, I recommend that this allegation be Not Sustained – Unfounded as against all three Named Employees.

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

Named Employee #2 - Allegation #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)**

Named Employee #3 - Allegation #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)**