



CLOSED CASE SUMMARY

ISSUED DATE: DECEMBER 15, 2017

CASE NUMBER: 2017OPA-1016

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 (Management Action) |

Named Employee #4

| Allegation(s): | | Director’s Findings |
|----------------|---|-----------------------------------|
| # 1 | 5.140 - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing | Not Sustained (Management Action) |

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:

Various Bias Reviews conducted by supervisors may not have conformed to SPD policy in that the supervisors failed to resolve the matter to the satisfaction of the complainant prior to completing the Bias Review. This case is one of eight reviewed by OPA in order to evaluate and recommend changes to SPD Policy 5.140.

ADMINISTRATIVE NOTE:

This case, as well as seven other cases, were classified for investigation in order for OPA to issue a Management Action Recommendation relating to supervisor completion of Bias Reviews. These cases were not referred to OPA through an external or internal complaint, but were instead initiated by OPA. These eight cases were designated as expedited investigations. In this context, this means that it was agreed that OPA would conduct a limited investigation of this case, including not engaging in interviews. Underlying this decision was OPA’s determination that, based on the objective facts, there was no bias on the part of SPD employees in any of these incidents.



As a result, OPA issued a Management Action Recommendation making proposed changes to the policy governing Bias Reviews. This Management Action Recommendation, which is referred to below, is included in OPA's case file and was transmitted to the Chief of Police on January 10, 2018.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

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

Officers were dispatched to a suspected assault. The officers arrested the subject, who they believed to be the primary aggressor. The subject alleged that he was only being arrested because he was African-American and that the officers were racist for believing the victim's account (who was also African-American).

When the sergeant arrived at the scene to discuss the bias complaint with the subject, the subject was uncooperative and would not provide any details. When the sergeant attempted to explain that he wanted to determine the nature of the subject's bias complaint, the subject responded: "it don't make no difference, anything you do would be racist too." Repeated attempts by the sergeant to interview the subject were unsuccessful.

The sergeant still completed a Bias Review even though the complainant was clearly not satisfied, which was technically inconsistent with policy.

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.*) SPD employees are required to "call a supervisor in response to allegations of bias-based policing." (SPD Policy 5.140-POL-5.) The supervisor must be called to the scene. (*Id.*) This section of 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.*)

Based on a review of the objective evidence in this case, there is no indication that any SPD employee engaged in biased policing. As such, I recommend that this allegation be Not Sustained – Unfounded.

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 7. Supervisors Conduct Preliminary Inquiry into Bias-Based Policing

I refer to the Management Action Recommendation concerning Bias Reviews and SPD Policy 5.140, which was issued on January 10, 2018. This Management Action Recommendation is included in the case file.

Recommended Finding: **Not Sustained (Management Action)**

Named Employee #4 - Allegation #1

5.140 - Bias-Free Policing 9. Disparate Impacts a. The Chief of Police or Designee Will Enforce Policy

I refer to the Management Action Recommendation concerning Bias Reviews and SPD Policy 5.140, which was issued on January 10, 2018. This Management Action Recommendation is included in the case file.

Recommended Finding: **Not Sustained (Management Action)**