



CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 24, 2019

CASE NUMBER: 2018OPA-0904

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 subjected him to biased policing.

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

Named Employee #1 (NE#1) was dispatched to a report of squatters in a camp. The property manager reported that there were four people sleeping on his property, which was private and had marked conditions of entry, and asked that they be removed. NE#1 interacted with the individuals who were in the location. NE#1 interviewed the individuals, who claimed that they had a right to be on the property. However, this was contradicted both by the property manager and by other nearby tenants.

The Complainant is an advocate for unsheltered individuals. He complained to OPA that NE#1 was biased towards the individuals, as well as unprofessional, when he removed them from the property. The Complainant also contended that the individuals had a right to be on the property.

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 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 discernable personal characteristic...” (*Id.*)



Based on my review of the record, including the Department video, I find that the evidence contradicts the claim that the individuals had a right to remain on the property. To the contrary, the evidence conclusively indicated that they had no such right and that the property manager requested that they be removed. As such, NE#1 was legally justified in removing them. Moreover, from my review of the video evidence, I disagree with the Complainant that NE#1 was unprofessional or acted inappropriately during this incident. Given this, I find that NE#1 acted consistent with law when he took law enforcement action towards the individuals. There is no support for the claim that NE#1 engaged in biased policing.

For these reasons, I recommend that this allegation be Not Sustained – Unfounded.

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