



CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 2, 2018

CASE NUMBER: 2017OPA-0679

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 he felt the Named Employee's "selection" of running his vehicle's license plate and his detainment that followed was "strictly due to him being black." The Complainant requested the on-scene supervisor to "file a formal OPA complaint on his behalf." This complaint was forwarded to OPA by a department supervisor.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #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 logged into a premise call in the vicinity of 24th Avenue and East Howell Street. NE#1 explained that this area is known for criminal activity; specifically, stolen vehicles. While logged into premise calls at this location, NE#1 generally enters license plates of vehicles into his Mobile Data Terminal (MDT) to determine whether those vehicles are stolen.

While at that location, NE#1 observed a parked vehicle with one occupant. The occupant was an African-American man, approximately 30 years old, who was wearing a white shirt. NE#1 ran the license plate and the search indicated that the Complainant was the registered owner of the vehicle. NE#1 then ran the Complainant’s name through the MDT. This search returned three open warrants. NE#1 then logged to a warrant call and requested a backing unit.

NE#1 observed the Complainant exit his vehicle and walk to a nearby parking lot. As the Complainant was returning to his vehicle, the backing unit arrived. NE#1 then stopped the Complainant. Initially, the Complainant refused to provide his identification and provided a false name to NE#1. However, NE#1 double checked the Complainant’s past booking photograph and verified his identity. NE#1 then placed the Complainant under arrest and handcuffed him. The Complainant was arrested both for the open warrants and for false reporting. At the time of his arrest, NE#1 explained to the Complainant why he had stopped him and that he ran the Complainant’s plates because he “runs a lot of plates.” The Complainant responded that he believed he had been “stereotyped” and that NE#1’s actions were “borderline racist.”



A sergeant screened the arrest at the scene. At that time, the Complainant alleged that the only reason his license plate had been run and the warrants discovered was because he was African-American. The sergeant memorialized that allegation and referred this matter to OPA via a Blue Team Complaint. OPA's investigation followed.

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, I find no evidence suggesting that this stop was effectuated because of bias. NE#1 had the lawful authority to run the license plates of nearby vehicles to determine whether they were stolen. When this search returned the Complainant's name, NE#1 was also permitted to run that information through his MDT. Ultimately, the evidence indicates that the Complainant was arrested due to the fact that he had three open warrants, not because of his race. As such, and applying a preponderance of the evidence standard, I recommend that this allegation be Not Sustained – Unfounded.

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