



CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 14, 2018

CASE NUMBER: 2017OPA-0743

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 SPD Employees who arrested him during an ACT Buy-Bust operation engaged in biased policing.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

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

The West Precinct Anti-Crime Team (ACT) was conducting a buy/bust narcotics operation. As part of the operation, the ACT Team used a marked \$20 bill. An undercover officer attempted to buy narcotics from the Complainant and the Complainant sold the officer what appeared to be heroin. This was confirmed when the drugs were field tested.

While the arrest was not captured on video, audio of the interaction between the Complainant and officers was recorded on In-Car Video (ICV). The ICV indicated that the Complainant asserted that he was being arrested due to racism. Based on this allegation, a supervisor responded to the scene and interviewed the Complainant. However, the Complainant would only state that the officers were racists and the supervisor was subject to “white privilege.” Consistent with policy, the responding supervisor referred the Complainant’s allegations to OPA and this investigation ensued.

During its investigation, OPA attempted to contact the Complainant multiple times by both telephone and letter. OPA was not able to do so and thus did not interview the Complainant.

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 a review of the evidence, there was abundant probable cause for the Complainant’s arrest for selling narcotics. This conduct, not the Complainant’s race, was the basis for the law enforcement action taken against him.



I find no indication that any of the sixteen officers and supervisors involved in this incident acted with bias or in any way that was contrary to policy. As such, I recommend that this allegation be Not Sustained – Unfounded.

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