



## CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 22, 2019

CASE NUMBER: 2018OPA-0739

### 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 subjected her to biased policing.

**ANALYSIS AND CONCLUSIONS:**

**Named Employee #1 - Allegations #1**

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

The Named Employees were dispatched to a call where the Complainant had stated that he wanted to harm herself and that she was a minor in possession of a handgun. The Named Employees spoke to the Complainant’s grandmother. The grandmother stated that the Complainant had argued with her and the Complainant’s mother while they were driving together. While in the car, the Complainant removed a handgun from her purse, put the gun to her head, and threatened to kill herself. After a period of time, the Complainant calmed down and all three went to dinner. The grandmother later took the handgun away from the Complainant while the Complainant was away from the table. After another argument, the grandmother called the police.

The Named Employees contacted the Complainant and attempted to speak to her about the incident. However, the Complainant would not cooperate and attempted to walk to the vehicle where the grandmother had stored the handgun. Based on the Complainant’s conduct, the Named Employees made the decision to involuntarily detain her for a psychiatric evaluation. After she was informed of this course of action, the Complainant claimed that the



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Named Employees were trying to send her to the hospital because she was “Black or something.” Later, when the Named Employees attempted to get the Complainant onto a gurney to transport her to the hospital, she contended that the Named Employees were racist. She lastly alleged that the Named Employees were on a power trip because of their White privilege. The Complainant was then transported to the hospital.

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 OPA’s review of the evidence in the record, including the BWV, I find that the Complainant was properly and lawfully detained. Her conduct, not her race, was the reason that law enforcement action was taken against her. There is no evidence establishing that the Named Employees, instead, engaged in bias policing or engaged in any inappropriate behavior.

As such, I recommend that this allegation be Not Sustained – Unfounded as against all of the Named Employees.

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

**Named Employee #2 - Allegations #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 - Allegations #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)**