



CLOSED CASE SUMMARY

ISSUED DATE: JUNE 30, 2019

CASE NUMBER: 2019OPA-0058

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)

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 him to biased policing.

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the Office of Inspector General’s review and approval, believed that it could reach and issue recommended findings based solely on its intake investigation and without interviewing the Named Employees. As such, the Named Employees were 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

On January 10, 2019 at approximately 9:50 p.m., officers, including the Named Employees, were dispatched to a 911 call regarding a domestic violence (DV) disturbance that occurred at an encampment for unsheltered individuals. The 911 caller stated that her boyfriend pushed her, took all her belongings, and refused to give them back. The caller also provided a description of the male suspect, as well as his name. The male suspect is the Complainant in this case.

Prior to arriving on scene, Named Employee #1 (NE#1) ran the Complainant’s name through SPD’s records management system and discovered that the Complainant had an outstanding misdemeanor assault warrant. As part of this records search, NE#1 observed a booking photograph of the Complainant. After the Named Employees and another officer searched the encampment, they encountered the Complainant. The Complainant told the



officers that he was the one they were looking for. The officers asked the Complainant to follow them to their patrol vehicle and he complied. The Complainant provided his account of what took place relating to the DV disturbance to the officers. The officers were unable to locate the 911 caller and, given the apparent disputes of fact, they were unable to establish probable cause for the alleged DV assault. However, during their investigation, the officers were able to verify the Complainant's misdemeanor assault warrant and, accordingly, placed the Complainant under arrest based on that open warrant.

A Sergeant later came to the scene to screen the Complainant's arrest. During that screening conversation, the Complainant alleged to the Sergeant that he was arrested because NE#1 and Named Employee (NE#2) were biased against him based the fact that he was homeless and Black. Though there was a third officer present throughout this incident, the Complainant told the Sergeant that his bias complaint was only against NE#1 and NE#2. The Complainant's allegation of bias was referred to OPA by the Sergeant and this investigation ensued.

During its investigation, OPA made multiple attempts to interview the Complainant but could not locate or get in touch with him. Thus, he was not interviewed as part of this case.

OPA further reviewed the Body Worn Video (BWV) pertaining to this incident. The video was consistent with the officers' accounts of the police action that they took.

SPD Policy 5.140 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." This includes different treatment based on the race of the subject. (*See id.*)

Based on OPA's review of the evidence, there is no indication that NE#1, NE#2, or any other officer engaged in biased policing. As discussed above, the Complainant was arrested based on his outstanding warrant, not because of his race, housing status, or membership in any protected class. This determination is further supported by the BWV, which conclusively establishes the absence of bias during this incident. For these reasons, I recommend that this allegation be Not Sustained – Unfounded as against both 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)**