



CLOSED CASE SUMMARY

ISSUED DATE: JULY 11, 2019

CASE NUMBER: 2019OPA-0076

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 his arrest by the Named Employee was due to biased policing.

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the review and approval of the Office of Inspector General for Public Safety, 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

On January 20, 2019, Named Employee #1 (NE#1) and other officers responded to a report of a theft at a Safeway grocery store. NE#1 and the other officers located the suspect, who is the Complainant in this case, who matched the description of the perpetrator. As part of their investigation, the officers obtained a statement from the Safeway manager, which identified the Complainant as the suspect. Based on this and the other evidence available to them, the officers determined that there was probable cause to place the Complainant under arrest.

A Department Sergeant screened the arrest. During that screening, the Complainant alleged that his arrest was based on bias. The Complainant specifically contended that NE#1 was biased towards him. According to a report later completed by the Sergeant, the Complainant was unable to articulate what actions NE#1 took that constituted biased policing. The Sergeant conducted a preliminary investigation into this matter and determined that there was no evidence of misconduct. However, given the nature of the Complainant’s allegation, the Sergeant referred this matter to OPA and this investigation ensued.



During OPA's investigation, OPA attempted to interview the Complainant through multiple requests to his attorney, but those requests went unanswered. Thus, the Complainant was not interviewed as part of this investigation. OPA further reviewed Body Worn Video (BWV) that fully captured this incident, as well as the documentation generated.

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 engaged in biased policing. The BWV reveals that the Complainant was arrested based on his conduct, not his race or membership in any protected class. For these reasons, I recommend that this allegation be Not Sustained – Unfounded.

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