



## CLOSED CASE SUMMARY

**ISSUED DATE:** MARCH 15, 2018

**CASE NUMBER:** 2017OPA-0602

**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)
# 2	5.001 - Standards and Duties 9. Employees Shall Strive to be Professional at all Times	Sustained
<b>Discipline Imposed:</b>		<b>No Discipline Imposed</b>

*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 Named Employee #1 was unprofessional in his interaction with her when she called for police assistance after being assaulted by her son. The Complainant further alleged that Named Employee #1 engaged in biased policing during the incident.

**ANALYSIS AND CONCLUSIONS:**

**Named Employee #1 - Allegation #1**

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

The Complainant alleged that Named Employee #1 (NE#1) “belittled” her and her family. She also intimidated her belief that NE#1 engaged in biased policing in his interactions with her and made her and her family feel unsafe.

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.)

From my review of the ICV, I do not find any evidence establishing that NE#1 engaged in biased policing. Even if, as discussed more fully below, he was insensitive and unprofessional during his interaction with the Complainant, this does not rise to the level of bias. While I do not discount the Complainant’s assertion that she and her partner felt unsafe as lesbian women and that her son felt unsafe as an African-American man, there is simply no conclusive evidence that this was caused by bias on the part of NE#1.

As such, I recommend that this allegation be Not Sustained – Unfounded.

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



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**Named Employee #1 - Allegation #2**

**5.001 - Standards and Duties 9. Employees Shall Strive to be Professional at all Times**

The Complainant alleged that NE#1 was confrontational, aggressive and demeaning during his interaction with her and her family. She relayed that he was dismissive of her request for assistance, told her that there was nothing that the police could do, and asserted that it was a “parenting problem.”

At his OPA interview, NE#1 indicated that he mentioned the Complainant’s parenting of her child, but asserted that he did not say anything about the quality of her parenting. NE#1 stated that he did tell the Complainant that he had no answers for her concerns and that it was her “responsibility to parent” her son. NE#1 further agreed that he told the Complainant that she was “supposed to be the parent for a thirteen-year-old like they’re considered a child.” Apparently, this statement was made because the Complainant and her partner wanted the officers to arrest their child and NE#1 believed that such a course of action was not in the child’s best interest. NE#1 was aware that the police were summoned because the child had assaulted the Complainant and damaged property, but he asserted at his OPA interview his belief that this was a “parenting problem.”

SPD Policy 5.001-POL-9 requires that SPD employees “strive to be professional at all times.” The policy further instructs that “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers.” (SPD Policy 5.001-POL-9.)

From my review of the audio of the In-Car Video, I find the unsolicited parenting advice that NE#1 provided the Complainant to have been inappropriate and insulting. Even NE#1 at his interview agreed that giving someone parenting advice was not part of his duties as a police officer. This is particularly the case when the individual to whom the advice was given had just reported an assault by her child, namely being punched in the face by him, and wanted the police to take law enforcement action.

NE#1’s statements appear to have been motivated by his belief that arrest was inadvisable and not in the child’s interest. But that belief, even if warranted, did not provide a justification for what he said. It is also concerning that he apparently believes that the violence and property damage committed by the child were the result of a “parenting problem.” However, this conduct instead could have been the result of mental illness, which the officers knew the child suffered from, or past trauma. His statements appear indicative of the manner in which he approached this call and his interaction with the Complainant and provide a further basis for my finding.

Based on the above, I conclude that the statements made by NE#1 to the Complainant were unprofessional and were, thus, contrary to Department policy. As such, I recommend that this allegation be Sustained.

Recommended Finding: **Sustained**