



CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 2, 2019

CASE NUMBER: 2018OPA-0759

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 6. Employees May Use Discretion	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 Employee did not conduct a complete and thorough investigation and improperly classified the case as civil matter, rather than a criminal investigation, due 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

NE#1 was dispatched to the hospital to standby to keep the peace. The Complainant’s son was at the hospital attempting to get copies of the Complainant’s medical records and was upset that the hospital would not provide the records. NE#1 spoke to the records supervisor, who stated that the records department had provided six copies of the Complainant’s medical records to her son over the past two years. The records department stated that they would provide another copy of the records within 15 days, but asked that NE#1 tell the Complainant’s son not to come back to the records department because of his aggressive behavior.

The Complainant believed that the hospital gave NE#1 incorrect information. The Complainant further contended that NE#1 was biased because he included the information provided by the hospital in his report. The Complainant alleged that NE#1 would have written a better and more accurate report had she not been African-American.

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 discernible personal characteristic...” (*Id.*)



Based on my review of the record, including the Body Worn Video, I find no evidence that NE#1 acted based on any bias towards either the Complainant or her son. Indeed, NE#1 appeared to accurately and impartially report the information provided to him by the hospital.

For these reasons, I recommend that this allegation be Not Sustained – Unfounded.

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

Named Employee #1 - Allegation #2

5.001 - Standards and Duties 6. Employees May Use Discretion

The Complainant alleged that NE#1 authored a report stating that the incident that he responded to was a civil matter, when it was not.

NE#1's investigation revealed that the hospital would not provide the Complainant her medical records in a timely fashion. As discussed above, the hospital stated that they had provided the Complainant with six copies of her medical records over the past two years and informed the Complainant's son that they would need to wait 15 days before receiving another copy. NE#1 wrote in his General Offense Report that the incident between the Complainant and the hospital was a civil matter. The Complainant felt that the NE#1 was wrong when he wrote that it was a civil matter and, thus, abused his discretion when he did so.

SPD Policy 5.001-POL-6 states that: "Employees are authorized and expected to use discretion in a reasonable manner consistent with the mission of the Department and duties of their office and assignment."

The evidence indicates that NE#1 appropriately documented this incident as a civil matter. Indeed, the issue here was the provision of medical records and there was no indication of any criminal conduct. As such, I find nothing supporting the contention that NE#1 improperly exercised his discretion and, as such, I recommend that this allegation be Not Sustained – Unfounded.

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