



CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 17, 2020

CASE NUMBER: 2020OPA-0040

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	16.090 - In-Car and Body-Worn Video 5. Employees Recording Police Activity a. Notification of Recording	Not Sustained (Lawful and Proper)
# 3	5.001 - Standards and Duties 10. Employees Shall Strive to be Professional	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)
# 2	16.090 - In-Car and Body-Worn Video 5. Employees Recording Police Activity a. Notification of Recording	Not Sustained (Lawful and Proper)
# 3	5.001 - Standards and Duties 10. Employees Shall Strive to be Professional	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 were biased towards the Complainant and her mother. The Complainant also alleged that the Named Employees were unprofessional during this incident. Lastly, the Complainant alleged that the Named Employees failed to inform the Complainant and her family members that they were recording video as required by policy.

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 Employees. As such, the Named Employees were not interviewed as part of this case.

SUMMARY OF INVESTIGATION:

The Complainant called 911 concerning her mother. The mother, who has been diagnosed with Alzheimer's Disease, was suffering from a mental health episode and was under her bed and was refusing to come out. Named Employee



#1 (NE#1), Named Employee #2 (NE#2), and two other officers were dispatched to the call. The officers entered the Complainant's residence and confirmed that the Complainant had called 911. They asked where the Complainant's mother was, and the Complainant pointed to a bedroom. The officers entered the bathroom and saw the mother partially under the bed. NE#1 and NE#2 announced themselves and stated that they were audio and video recording. They asked the mother if she was okay and spent several minutes trying to engage with the mother in order to convince her from coming out from under the bed. After they were unable to do so, the officers left the bedroom and spoke with the Complainant. They asked whether the mother had done this before, and the Complainant said no. However, the Complainant informed the officers that the mother had tried to kill herself by stepping in front of cars while in Arkansas. She further stated that the mother would leave the residence at night and that the mother's case worker said that she should be taken to Northwest Hospital if she was suicidal. At that time, the Complainant's daughter, who was also in the residence, asked a question regarding the officers' cameras and NE#2 told her that it was his Body Worn Video (BWV).

NE#1 and NE#2 conferred and then re-entered the residence. They spent several more minutes trying to reason with the mother. NE#2 discussed the possibility of involuntarily committing the mother. However, they decided to wait for SFD to arrive on scene. The officers offered the mother water and a blanket. The officers spoke with the Complainant. At one point, NE#2 told the Complainant that his mother was a nurse and that his grandmother had Alzheimer's. The officers continued to try to help the mother and one of the other officers offered the mother a pillow.

SFD arrived and examined the mother. SFD told the officers that the mother's vitals were fine and that they could not determine whether she needed to be hospitalized. NE#2 told SFD that the Complainant wanted the mother to go to the hospital. Ultimately, it was determined that the mother would be transported to the hospital. The Complainant's daughter asked if she could go and she was informed that she could ride in the ambulance. The officers determined that the Complainant was not intending on going to the hospital. NE#2 asked AMR whether the Complainant could ride with them to the hospital and they said that she could. NE#2 told the Complainant that she could ride to the hospital if she wanted to. The Complainant said that she did not want to go. The Complainant responded that she had been in the ER with the mother until 1:00 a.m. the previous evening and that she had not slept for multiple nights. NE#2 responded: "I haven't said anything ma'am." The Complainant again said that she was not going to the hospital and NE#2 told her that he was just asking her if she wanted to do so. She replied that she was not going and went into a bedroom. After several more minutes, NE#2 asked the mother if she needed anything else and the officers then left the residence. Before doing so, the officers provided a business card to the daughter with the incident number on it.

The Complainant later initiated this complaint with OPA. The Complainant alleged that the Named Employees were rude and unprofessional during their interactions with her and her family members. She specifically identified NE#2's statements to her regarding going to the hospital. She felt that the Named Employees made the situation intimidating for the mother and that the Named Employees acted as if they did not care. She believed that the Named Employees' conduct and treatment of her and her family members was based on their race. Lastly, the Complainant alleged that the Named Employees did not notify them that they were being audio and video recorded and did not provide her with a business card or the incident number (this latter allegation was conclusively disproved by the BWV and is not addressed herein). This OPA investigation ensued.



ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

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

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.*)

Based on OPA’s review of the totality of the record, there is no indication that the Named Employees engaged in biased policing. The Complainant did not articulate specifically how the Named Employees were biased other than referencing her status as a single Black female and asserting that, when officers come into a Black person’s home, they often feel supervisor and in control. The BWV simply does not support a finding that the Named Employees were biased. To the contrary, the video indicated that the officers treated the Complainant and the mother compassionately, to the best of their abilities, and consistent with policy.

As such, OPA recommends that this allegation be Not Sustained – Unfounded as against both Named Employees.

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

Named Employee #1 - Allegation #2

16.090-POL-1 Recording with ICV and BWV 5. Employees Recording Police Activity a. Notification of Recording

The Complainant asserted that the Named Employees failed to notify her or her family members that they were recording BWV. The Complainant stated that the Named Employees only provided this information when the Complainant’s daughter asked what the blinking light on their cameras meant.

SPD Policy 16.090-POL-1(5)(a) requires officers to notify community members of the fact that they are being audio and video recorded. Had the Named Employees failed to provide this notification, as the Complainant alleged, this would have been contrary to policy.

However, based on a review of the BWV, NE#2 provided a notification that the officers were audio and video recording approximately 14 seconds after entering the residence. When he did so, NE#2 complied with Department policy. Given this, OPA recommends that this allegation be Not Sustained – Lawful and Proper as against both Named Employees.

Recommended Finding: **Not Sustained (Lawful and Proper)**

Named Employee #1 - Allegation #3

5.001 - Standards and Duties 10. Employees Shall Strive to be Professional

SPD Policy 5.001-POL-10 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-10.) The policy further states the following: “Any time employees represent



the Department or identify themselves as police officers or Department employees, they will not use profanity directed as an insult or any language that is derogatory, contemptuous, or disrespectful toward any person.” (*Id.*)

The BWV indicates that the Named Employees were respectful to the Complainant and the mother. The Named Employees spent a significant amount of time trying to reason with and assist the mother. This included offering her water, a blanket, and a pillow. NE#2 also engaged with the Complainant, trying to empathize with her by telling her that his mother was a nurse and he had experience with family members suffering from Alzheimer’s.

There was no evidence that the Named Employees were ever rude or dismissive towards the Complainant. While the Complainant was upset with NE#2 asking her if she wanted to go to the hospital, it appeared that he was trying to be helpful. There was no indication from OPA’s review of the BWV that he asked this question in a judging or inappropriate manner.

For these reasons, OPA finds that the Complainant’s allegations of unprofessional conduct on the part of the Named Employees are all disproved by the evidence. As such, OPA recommends that this allegation be Not Sustained – Unfounded as against both NE#1 and NE#2.

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), OPA recommends that this allegation be Not Sustained – Unfounded.

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

Named Employee #2 - Allegation #2

16.090-POL-1 Recording with ICV and BWV 5. Employees Recording Police Activity a. Notification of Recording

For the same reasons as stated above (see Named Employee #1, Allegation #2), OPA recommends that this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained (Lawful and Proper)**

Named Employee #2 - Allegation #3

5.001 - Standards and Duties 10. Employees Shall Strive to be Professional

For the same reasons as stated above (see Named Employee #1, Allegation #3), OPA recommends that this allegation be Not Sustained – Unfounded.

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