



## ***CLOSED CASE SUMMARY***

ISSUED DATE: MARCH 2, 2021

FROM: DIRECTOR ANDREW MYERBERG  
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2020OPA-0590

### **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 the Named Employee, an SPD dispatcher, engaged in biased policing during the handling of the Complainant's 911 call.

### **ADMINISTRATIVE NOTE:**

During its intake investigation, OPA determined that another SPD employee may have failed to timely report a possible allegation of biased policing. That matter was returned to the chain of command for handling as a Supervisor Action.

### **SUMMARY OF INVESTIGATION:**

The Complainant alleged to OPA that his neighbor called 911 to report that he was holding their building door open to move furniture. It was the Complainant's understanding that the neighbor called 911 due to concerns that the neighbor had with smoke coming into the building while the door was left open. The Complainant said that he also called 911 in what he described as an attempt to "de-escalate" the situation. He recounted that the 911 dispatcher – Named Employee #1 (NE#1) – minimized his complaint and told him to "just work it out" with the neighbor. The Complainant believed that he received disparate treatment because he was male and a person of color.

As part of its investigation, OPA reviewed the documentation concerning this incident. The CAD Call Report indicated that a female resident of the building called 911 to report that she was involved in a verbal dispute with a male resident – the Complainant. She reported that the Complainant charged at her and banged on her door. She further asserted that he swiped at her head but missed her. Given the ongoing nature of the call and the potential assault allegations, officers were dispatched to the building.

The Complainant also called 911. OPA reviewed the audio recording of that call. The Complainant told the SPD dispatcher who answered the call – NE#1 – that he was being harassed by his neighbor. He said that she blocked him from entering his apartment by telling him that he had to remain six feet from her. She recorded him while doing so.



He further described that she claimed that he was putting her life in danger. The Complainant told NE#1 that the neighbor was now back in her residence and he in his. NE#1 responded that it sounded like the situation had de-escalated as they were separated. The Complainant: "Well, I'm just letting you know I don't want to be harassed by someone who lives next to me." NE#1 asked whether it was an ongoing issue and the Complainant said that it was and that the neighbor kept knocking on his door and making frivolous complaints against him. NE#1 asked: "Do you need police out there today sir, or are you just calling to let us know?" The Complainant responded by saying: "No, I just wanted to let you know." He provided NE#1 with his and the neighbor's apartment numbers. NE#1 concluded the conversation by telling the Complainant: "Okay, this is a recorded line then, so we do have that info. Thanks for calling in and if things do change or escalate just call us back okay?"

The officers who responded to the scene spoke to the Complainant, the neighbor, and the building manager at length. Both the neighbor and the building manager raised concerns with the Complainant's conduct and, specifically, his treatment of the neighbor. The Complainant asserted that he was being mistreated and that the neighbor and the building manager were racist. He also expressed concerns with the fact that the officers responded to the neighbor's 911 call and, in the Complainant's opinion, did not take his call seriously. The officers explained that this was not the case. After speaking with all the parties and providing them with business cards including the incident number, the officers determined that no crime had been committed and left the scene without taking law enforcement action. One of the officers later documented this incident in a report.

#### **ANALYSIS AND CONCLUSIONS:**

##### **Named Employee #1 - Allegation #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.*)

A review of the totality of the evidence confirms that NE#1's handling of the Complainant's 911 call did not constitute biased policing. First, during the call, NE#1 did not refuse to send officers or minimize the incident. At one point, he noted that the situation appeared to have de-escalated as the parties were separated; however, shortly thereafter, he asked the Complainant whether he wanted officers to respond and the Complainant said no.

Second, it makes sense that officers were dispatched to the neighbor's call as the neighbor reported a possible attempted assault, but not to the Complainant's call, as he did not request officers. This did not constitute biased policing.

For these reasons, OPA recommends that this allegation be Not Sustained – Unfounded.

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