



CLOSED CASE SUMMARY

ISSUED DATE: MAY 31, 2021

FROM: DIRECTOR ANDREW MYERBERG
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2020OPA-0751

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 Named Employee #1 shouted racial slurs while in Cal Anderson Park.

SUMMARY OF INVESTIGATION:

A poster on Twitter alleged that, on December 14, 2020, Named Employee #1 (NE#1) was within Cal Anderson Park and was shouting racial slurs. The Twitter poster included a photograph of NE#1, who was in plainclothes and was wearing a facemask, identifying her as the involved officer. The Twitter poster specifically alleged that NE#1 used the "N-word." Other Twitter users asked the original poster whether they had evidence of the slurs being made. The original Twitter poster did not provide any. After reviewing the Twitter posts, OPA initiated this investigation.

OPA reviewed Body Worn Video (BWV) and determined that, on the date in question, SPD officers provided an escort to Parks Department employees who were posting orders for individuals within Cal Anderson Park to vacate. At that time, demonstrators were upset at the officers and Parks Department employees, yelling at them and using profanity towards them. One man within the park shouted racial slurs and pejorative comments towards homeless individuals. At one point, an officer and an individual in the park became involved in a physical altercation. The officers and the Parks Department employees left the park shortly thereafter to avoid further confrontations.

While NE#1 was not equipped with BWV during this incident, she was shown on other officers' cameras. She was seen on one officer's BWV taking a picture with her phone of one of the posted notices. At another point, NE#1 used her phone to either photograph or videotape some of the demonstrators who were yelling at the officers and Parks Department employees. As NE#1 walked out of the park, she passed by an individual who asked her why she was there. NE#1 responded: "Today what we were trying to do was post signs..." A demonstrator interrupted: "Yeah, get the fuck out of here." NE#1 did not engage and continued walking. Demonstrators yelled various statements at NE#1, including: "You ignorant bitch" and "that's all your going to say." Another demonstrator shouted: "You racist cunt, you racist cunt, fuck you, get the fuck away from me." Again, NE#1 did not respond. From OPA's review of the BWV, NE#1 made no statements other than to say why officers were in the park and did not use racial slurs at any time.



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.*)

From a review of the BWV, there is no evidence whatsoever showing that NE#1 used racial slurs at any point while in Cal Anderson Park. Moreover, the Twitter poster provided no evidence that this occurred. As such, OPA concludes that this complaint is entirely spurious and that NE#1 engaged in no misconduct, let alone biased policing.

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

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