


Issued Date: March 3, 2026

From: Deputy Director Nelson R. Leese (on behalf of Director Bonnie J. Glenn)
Office of Police Accountability 

Case Number: 2021OPA-0032

Allegations of Misconduct & Director's Findings

Named Employee #1

1. **Allegation #1:** 5.140 - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing

Finding: Not Sustained - Unfounded

Named Employee #2

1. **Allegation #1:** 5.140 - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing

Finding: Not Sustained - Unfounded

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections may be written in the first person.

Executive Summary:

The Complainant was employed as a security guard when she requested police assistance to remove a trespasser, Community Member #1 (CM#1). Before the police arrived, the Complainant reported that she pepper sprayed a different individual, Community Member #2 (CM#2). The Complainant alleged Named Employee #1 (NE#1)—a former police officer—and Named Employee #2 (NE#2) treated her differently due to her race by disregarding her concerns and treating her like a suspect because she is black.

Administrative Note:

On July 1, 2022, the Office of Inspector General (OIG) certified OPA's investigation as objective. OIG declined to certify the case as thorough or timely. OIG declined to certify this case as timely

because the 180-day contractual timeline expired on or about September 24, 2021, but OPA did not submit the case for certification review until June 3, 2022. NE#1 separated from SPD prior to the conclusion of the investigation and so was not subject to a contractual 180-day timeline. However, OPA acknowledges the untimeliness of this investigation with respect to NE#2. OIG also concluded that OPA's investigation was not thorough because OPA did not classify allegations for SPD's Professionalism policy against the two named employees. See SPD Policy 5.001-POL-10. On review, OPA acknowledges that it could have classified a professionalism allegation against the named employees, but respectfully disagrees this omission rendered the entire investigation unthorough. First, the Complainant herself framed her concerns with the named employees as a bias-based policing allegation, not as one of professionalism. Second, the named employees' interactions with the Complainant were most fairly characterized as minor rudeness and frustration during a strained interaction with the Complainant, not behavior that would implicate damage to public trust.

Summary of the Investigation:

OPA investigated this complaint by reviewing the internal Blue Team complaint submitted on the Complainant's behalf, associated computer-aided dispatch (CAD) call reports, the incident report, and body-worn video (BWV). OPA also interviewed the Complainant and NE#2. OPA was unable to interview NE#1 as he was out on leave during this investigation and then separated from the department.

The Complainant made two 911 calls in tandem, (1) requesting assistance removing a trespasser, CM#1, and (2) reporting that she had pepper sprayed another person, CM#2. On NE#2's arrival, the Complainant and CM#2 immediately approached him. NE#1 arrived soon thereafter. The Complainant began speaking rapidly about the trespass call, a run-in between Complainant and CM#1 a week earlier, the circumstances that caused her to use pepper spray, and seeking SPD's assistance with removing CM#1 and CM#2. During the Complainant's explanation, NE#2 asked clarifying questions as he sought to understand the chronology and nature of the Complainant's multiple interactions with CM#2. NE#2 took CM#2 aside to assess whether the Complainant's use of pepper spray was appropriate. During this time, the Complainant was speaking to NE#1. The Complainant stated that she would have preferred not to have called the police but was following her employer's protocols. During this time, NE#1 stood silent. Getting no response from NE#1, the Complainant asked if NE#1 was "a Trump supporter," "a rookie," or if he was "deaf." NE#1 asked Complainant why she was being so hostile, and Complainant indicated that she was trying to explain what happened and believed she was not getting any help.

NE#2 investigated the incident and documented his understanding consistently with what was reported on BWV. A week prior to this incident, the Complainant encountered CM#2 during a security check and the two got into a verbal altercation in which CM#2 cursed out the Complainant. The Complainant learned CM#2 worked at a Dominos, went to that location, and reported their interaction to CM#2's employer. On the incident date, the Complainant was doing

her security patrol when she encountered CM#2 again on a public sidewalk. The Complainant said CM#2 flinched at her with balled fists, so the Complainant responded by pepper spraying CM#2. The Complainant said CM#2 said he would get CM#1 to assault the Complainant. CM#2 stated he saw the Complainant cursing out CM#1, he approached, and then he said the Complainant pepper sprayed him for no reason. NE#2 did not observe any injury or redness on CM#2 from the pepper spray.

Because the Complainant refused to provide NE#2 with her name, NE#2 was unable to lawfully trespass CM#1 from the property. Ultimately, NE#2 convinced CM#1 to agree to move to the public sidewalk. CM#2 was already on a public sidewalk. NE#2 provided the Complainant with a business card and then documented the incident on a report.

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 the named employees ignored her, disregarded her concerns, and treated her like a suspect due to her race.

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-POL. This includes different treatment based on the race of the subject. See *id.* Officers are forbidden from both, (i) making decisions or taking actions influenced by bias, and (ii) expressing any prejudice or derogatory comments concerning personal characteristics. See SPD Policy 5.140-POL-2.

Reviewing the record in this case, OPA cannot conclude either named employee treated the Complainant differently due to her race. NE#2 spoke to both parties, asked clarifying questions, attempted to lawfully resolve the incident, and documented it consistently with what was observed on BWV. OPA recognizes that the Complainant appeared frustrated with having to explain the situation to the police officers—especially given her apparent distress at what had occurred—but her explanation of the incident was not presented clearly, and NE#2 asked reasonable follow up questions. Also, it was not clear whether the Complainant’s use of pepper spray was lawful under the circumstances, which NE#2 appropriately investigated. Finally, the Complainant made the situation more challenging by refusing to cooperate with NE#2 by not pointing out CM#1 or providing her name to effect a trespass. To the extent the interaction between NE#2 and the Complainant appeared strained, OPA find this was more likely due to the Complainant’s lack of cooperation. To the extent the Complainant was alleging the named employees favored CM#2 over her, OPA notes that CM#2 appeared to be the same race as the Complainant.

OPA also recognizes that NE#1’s interactions with the Complainant appeared significantly strained. Although OPA was unable to interview NE#1, both NE#1 and the Complainant

mentioned on BWV that they had interacted previously. During this incident, the Complainant appeared to be frustrated when NE#1 did not immediately respond to her questions, which were quickly followed by taunts about politics, professional experience, and calling NE#1 “deaf.” However, review of BWV showed that NE#1 was likely trying to disengage with the Complainant based on his prior experience with her. Also, NE#1 was serving only as a backing officer to NE#2, to whom the Complainant had already expressed frustration. As noted by OIG (see Administrative Note above), some of NE#1’s comments to others concerning his suspicions about the Complainant’s fitness for her job were not appropriate. NE#1 also could have also taken a more proactive approach to de-escalation. But OPA finds these actions were more likely predicated on the Complainant’s behavior and statements to NE#1 than any race-based bias.

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

Recommended Finding: **Not Sustained – Unfounded**

Named Employee #2 – Allegation #1

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

For the same reasons set forth above at Named Employee #1, Allegation #1, OPA recommends that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained – Unfounded**