



CLOSED CASE SUMMARY

ISSUED DATE: JUNE 16, 2021

FROM: DIRECTOR ANDREW MYERBERG
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2021OPA-0071

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.140 – Bias-Free Policing 2. Employees Will Not Engage in Bias Based Policing	Not Sustained (Unfounded)
# 2	15.180 – Primary Investigations 1. Officers Shall Conduct a Thorough and Complete Search for Evidence	Not Sustained (Lawful and Proper)

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 failed to properly investigate a collision involving her vehicle and that his decision-making was informed by bias.

SUMMARY OF INVESTIGATION:

The Complainant's vehicle was involved in a traffic collision. At the time of the collision, the vehicle was driven by the Complainant's sister. The collision was investigated by Named Employee #1 (NE#1). The Complainant alleged to OPA that NE#1 did not adequately investigate the incident. The Complainant pointed to NE#1's purported failure to put insurance information in the Police Traffic Collision Report (PTCR), his failure to seek the account of the Complainant's sister, and his putting only the other motorist's side of the story in the PTCR. The Complainant asserted that these deficiencies were due to NE#1's bias.

As part of its investigation, OPA reviewed the Body Worn Video (BWV) recorded by NE#1, as well as the PTCR. The BWV showed NE#1's investigation into the incident. It revealed that both the Complainant's sister and the other motorist did not have insurance for their respective vehicles. The video indicated that NE#1 asked both individuals what occurred and that he did not appear to prevent the Complainant's sister from providing her full account. NE#1's investigation quickly determined that the other motorist had the right of way at the time of the collision and that the Complainant's sister was at fault. NE#1 also learned that the Complainant's sister did not have a driver's license. NE#1 informed both parties that the Complainant's sister would be cited as she was at fault. NE#1 also told the Complainant's sister that she would be receiving a criminal citation for failing to have a driver's license.

While NE#1 was conducting his investigation, the Complainant came to the scene. She also did not have insurance for her vehicle and asserted that this was because it was new. NE#1 informed the Complainant of what occurred.



The Complainant then went to talk to her sister, and they began arguing. NE#1 concluded his investigation shortly thereafter.

NE#1 completed a PTCR after the fact. He left the portion of the PTCR concerning insurance information blank because none of the involved parties had insurance. He further included his conclusion that the Complainant's sister was at fault and that the Complainant's sister was driving without a valid license. He issued a citation to the Complainant's sister.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.140 – Bias-Free Policing 2. Employees 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 BWV, there is absolutely no evidence suggesting bias on NE#1's part. To the contrary, NE#1's investigation was consistent with the evidence and he properly determined that the Complainant's sister was at fault and should be cited.

As OPA finds the Complainant's bias allegation to be meritless, OPA recommends that this allegation be Not Sustained – Unfounded.

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

Named Employee #1 - Allegation #2

15.180 – Primary Investigations 1. Officers Shall Conduct a Thorough and Complete Search for Evidence

SPD Policy 15.180-POL-1 requires that, in primary investigations, officers conduct a thorough and complete search for evidence. As discussed above, the Complainant alleged that NE#1's investigation into this incident was incomplete, one-sided, and insufficient.

OPA disagrees with the Complainant's allegations in their entirety. First, NE#1's determination that the Complainant's sister was at fault was completely supported by the evidence. Second, NE#1 provided each of the involved parties the opportunity to state what occurred and did not appear to credit one over the other. Third, while NE#1 left the insurance information portion of the PTCR blank, this was because none of the involved parties had insurance. This was not improper.

As OPA finds that NE#1's investigation and the PTCR he completed was consistent with policy. As such, OPA recommends that this allegation be Not Sustained – Lawful and Proper.

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