



CLOSED CASE SUMMARY

ISSUED DATE: NOVEMBER 30, 2021

FROM: DIRECTOR ANDREW MYERBERG
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2021OPA-0236

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 the Named Employee cited another driver due to bias.

SUMMARY OF INVESTIGATION:

Named Employee #1 (NE#1) responded to a collision between two vehicles. NE#1 spoke to the driver of one of the vehicles who told NE#1 that he had rear-ended the other car. The driver told NE#1 that he stopped "all of a sudden" and struck the other car from behind. NE#1 examined the scene and observed the damage to the two vehicles. NE#1 told the driver the following: "So, so you know, every time I respond to a collision, I have to cite the at fault driver. So, you will be receiving a citation in the mail at the address you gave me...For following too closely." The driver responded: "Yeah, I was." At that point, the other involved motorist – who is the Complainant – interjected and said: "Usually the police don't determine fault. I'm just saying he's doing that cause you're Black. Police don't determine fault. I've been in so many accidents. That's the same thing they say to me." NE#1 said that he was sorry the Complainant felt that way and notified a supervisor of the Complainant's apparent allegation of biased policing.

The Complainant began to use profanity towards NE#1, including telling him: "Fuck your supervisor in the ass" and "As a matter of fact, stick your head up you supervisor's ass. I'd like to see you do that." NE#1 remained polite and calm throughout his interaction with the Complainant. Ultimately, both the Complainant and the other driver left the scene prior to the supervisor arriving.

The Complainant's allegation of bias was documented at the chain of command level and was ultimately forwarded to OPA. This investigation ensued. As part of its review of this case, OPA watched the BWV, which was the best evidence of what occurred.

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-POL.) This includes different treatment based on the race of the subject. (*See id.*)

From a review of the BWV, the Complainant’s assertion that NE#1 cited the other motorist based on bias is completely unfounded. Most notably, there was a lawful basis to believe that the other driver was at fault in the collision and, indeed, the driver admitted fault. There was nothing on the video that suggested that NE#1’s decision was due to some other improper motive.

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

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