



CLOSED CASE SUMMARY

ISSUED DATE: DECEMBER 13, 2021

FROM: DIRECTOR ANDREW MYERBERG
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2021OPA-0304

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 she was subjected to biased policing with respect to SPD response times to her calls.

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 to OPA that SPD response times to her calls for service for longer than those for her white neighbor. She believed that this constituted biased policing. Among the calls for service referenced by the Complainant were reporting possible burglaries based on factors such as finding lights off that she believed she'd left on, hearing an unknown female screaming her name during the night, finding her pets outside of their crates, and believing that her apartment smelled like body odor.

When interviewed by OPA, the Complainant reiterated her belief that she was experiencing excessive response times due to her race, specifically because a white neighbor called and received an immediate police response. The Complainant was unable to provide any details about this other incident, including the name of the white neighbor, an approximate time frame of when this occurred, or a location of that call.

OPA conducted a search for all calls made by the Complainant and identified twelve since the beginning of 2019, when SPD switched to a new system (one additional call identified by OPA was excluded because it did not involve a reported burglary). OPA also conducted a search for all calls for the apartment building in which the Complainant resided. This search did not identify any calls to the location in which a report was not completed.

Of the twelve relevant calls made by the Complainant, ten were Priority Three calls with response times ranging from a low of three minutes to a high of three hours and twenty-one minutes. Two calls were Priority Two calls with response times of eleven minutes and twenty-eight minutes. None of the Computer Aided Dispatches mentioned the



Complainant's race on the call (although there were mentions of the Complainant having a "crisis caution" on multiple calls). A review of all calls made from the Complainant's apartment building that were not "in progress" calls indicated response times ranging from one to three hours. Finally, Body Worn Video (BWV) was reviewed from nine of the calls for which BWV was available. The only time that the response time is mentioned on any of these BWVs is a single instance in which the officer apologized for the length of the response time.

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.*)

OPA did not find any evidence to substantiate the Complainant's allegations that SPD response times to her apartment were any longer than similarly situated calls from her building. Moreover, OPA found no evidence that SPD response times to her calls, specifically, were influenced by her race. Finally, the Complainant was unable to provide any identifying details concerning her allegation that a white neighbor received a faster response time on another occasion.

Accordingly, OPA finds no basis to conclude that the Complainant was subjected to biased policing and recommends a finding of Not Sustained – Unfounded.

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