



## ***CLOSED CASE SUMMARY***

ISSUED DATE: MARCH 9, 2022

FROM: INTERIM DIRECTOR GRÁINNE PERKINS  
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2021OPA-0344

### **Allegations of Misconduct & Director's Findings**

#### **Named Employee #1**

<b>Allegation(s):</b>		<b>Director's Findings</b>
# 1	5.140 - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded
# 2	5.001 - Standards and Duties 6. Employees May Use Discretion	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 Named Employee #1 (NE#1) engaged in bias-based policing based on her gender, race, and perceived mental health status. It was also alleged that NE#1 may have used improper discretion by completing a crisis template for the Complainant.

### **SUMMARY OF INVESTIGATION:**

The Complainant contacted OPA through an online complaint on July 16, 2021. The Complainant alleged that, on November 15, 2018, she made a report to NE#1 related to her "car being tampered with and a white male that acted suspicious." The Complainant alleged that NE#1 asked her if she "felt paranoia that day," which the Complainant denied. The Complainant alleged that "if the white male officer was a woman of color and had things happen" to them, "it would not be seen as being paranoid." The Complainant also alleged that she recently received a copy of the report from the incident and that the officer added a "crisis paranoia file" to his report. OPA opened this investigation.

As part of its investigation, OPA reviewed the OPA Complaint, Email Correspondence with Complainant, the Computer Assisted Dispatch (CAD) Call Report, the Incident Report and Crisis Template, a prior Incident Report prepared by NE#1 for the Complainant, and Body Worn Video (BWV) of the November 15, 2018 interaction between the Complainant and NE#1. OPA also conducted recorded interviews of the Complainant and NE#1.

The BWV captured the entire eight-minute interaction between the Complainant and NE#1. Accordingly, the material facts of this case are not in dispute.<sup>1</sup>

After NE#1 responded to the Complainant's call, NE#1 greeted the Complainant by name. The Complainant stated that she had a video "of the guy that ended up running," and the Complainant showed NE#1 a picture on her phone stating "He's like running." The Complainant reported that the video showed an unidentified male "running" and

---

<sup>1</sup> Except where otherwise noted, the facts summarized in the "Summary of Investigation" section are from the BWV.



“walking toward” the Complainant’s car. The Complainant also reported that she “pressed a button and it opened and then all of a sudden, he seen me, and he like just started running.” The Complainant also reported that she had seen the unidentified male near her car in the past “with his friends.” The Complainant reported that she thought it was “really strange” that the unidentified male was running after the Complainant pressed her car button. The Complainant stated “that’s what made me feel like he’s guilty . . . of something . . . you know?” The Complainant also reported that there was a different unidentified male that she had seen “walking” and she did not know “if they’re related.”

The following exchange then occurred:

**NE#1:** Do you think at all . . . you think this is all like . . . like any bit . . . of . . . like paranoia? You know?”

**Complainant:** It isn’t paranoia. I have actually had umm pretty much like I’ve had a stalker. My Co-working stalked me from one job. And then after it’s like he . . . he kept . . . complimenting me the whole entire time. And then I pretty much, like I quit. And then he went to the same job that I was at. So, he like literally followed me from one job to another. And then I found out he ah . . . .”

The Complainant then confirmed that none of the individuals she claimed to have observed near her car that day did anything to it. The Complainant stated “No, they were like looking at it the whole entire time they were like standing right next to it. And I was like why are you guys standing next to my vehicle.” The Complainant also confirmed that she did not actually speak to any of the individuals she said she observed near her car. NE#1 then provided the Complainant with a business card with his name, badge number, and incident report. The Complainant then tried to show NE#1 the video on her phone, but NE#1 told the Complainant to retain the video. NE#1 then ended the interaction.

NE#1 then completed an incident report that accurately summarized his interaction with the Complainant and noting that this was the “second time in three nights” that NE#1 contacted the Complainant and the “third night in a row that she has called 911 regarding suspicious activity.” NE#1 also noted in his incident report that, as he was preparing the incident report, the Complainant called 911 against to report a “suspicious car driving through parking lots, possibly casing.”

NE#1 also completed a crisis template for the incident which flagged the incident as a “chronic complaint” and documented his question to the Complainant about possible feelings of paranoia “given that most of her complaints focus on unexplained suspicious circumstances or instances of alleged property damage or stalking.” NE#1 also noted that the Complainant was “rambling a lot, sounds in crisis.”

A review of prior calls from the Complainant showed that, from July 28, 2018 through January 20, 2019, the Complainant called 911 about ten times, including this complaint, to report incidents such as suspicious people near her vehicle, unknown scratches on her vehicle, kindling placed under her vehicle, a branch wedged under her engine, a nail falling from the trunk of her vehicle, a screw near her tire, and an individual potentially trying to break into her vehicle.



---

**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 NE#1 engaged in bias-based policing based on her gender, race, and perceived mental health status.

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.*)

There is no credible evidence to support the Complainant’s allegation that NE#1 engaged in bias-based policing based on her gender, race, or perceived mental health status. To the contrary, NE#1 responded to the scene, then listened to and understood the Complainant’s report—the substance of which did not constitute probable cause, or even reasonable suspicion, of a crime—then accurately summarized the interaction and the Complainant’s report in an incident report. Based on the information the Complainant provided NE#1, there was nothing further he could have done to address her concern.

Instead, the Complainant’s allegation appears to be premised on her belief that NE#1 did not take her allegation seriously and that, but for her race, gender, or perceived mental health status, NE#1 would not have completed a crisis template for her. As already discussed, there was nothing else NE#1 could reasonably have done with the information that the Complainant provided him. Moreover, his crisis template accurately recorded his impressions of the interaction and noted that the Complainant was filing chronic complaints on the same or similar issues. Given that the Complainant appeared to be in emotional distress, and have repeatedly called 911 for the same or similar issues, it appears that NE#1 appropriately documented the interaction in a Crisis Template. *See* SPD Policy 16.100-POL (for definition of a “behavioral health crisis” as “an episode of . . . emotional distress in a person that is creating . . . repeated disturbance and is considered disruptive by the community. . .”) and 16.100-POL-5(9)(a) (“Officers shall use the Crisis Template for every incident involving a person in a behavioral crisis.”).

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

Recommended Finding: **Not Sustained - Unfounded**

**Named Employee #1 - Allegation #2**

***5.001 - Standards and Duties 6. Employees May Use Discretion***

The Complainant alleged that NE#1 used unreasonable discretion by completing a Crisis Template.

As indicated in SPD Policy 5.001-POL-6, “[e]mployees are authorized and expected to use discretion in a reasonable manner consistent with the mission of the department and duties of their office and assignment.” This policy further states that “[d]iscretion is proportional to the severity of the crime or public safety issue being addressed.” (SPD Policy 5.001-POL-6.)



---

For the reasons set forth above at Named Employee #1, Allegation #2, NE#1 did not use unreasonable discretion—if he was able to use any discretion at all based on his observations—when he completed the crisis template for the Complainant for this incident.

Accordingly, OPA recommends that this allegation be Not Sustained (Lawful and Proper).

Recommended Finding: **Not Sustained - Lawful and Proper**