



## ***CLOSED CASE SUMMARY***

ISSUED DATE: DECEMBER 28, 2022

FROM: DIRECTOR GINO BETTS  
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0202

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

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.140 - Bias-Free Policing 5.140-POL 2. Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded (Expedited)

***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:**

After the Complainant's removal from a nightclub, she alleged Named Employee #1 (NE#1) engaged in bias-based policing due to her race.

### **ADMINISTRATIVE NOTE:**

This case was designated an Expedited Investigation. That means OPA, with the Office of Inspector General's review and concurrence, believed it could reach and issue recommended findings based solely on its intake investigation without interviewing the involved employees.

### **SUMMARY OF INVESTIGATION:**

Witness Supervisor #1 (WS#1), a SPD supervisor, submitted a Blue Team complaint on the Complainant's behalf. The Complainant alleged NE#1's declination to take law enforcement action against security who removed her from a nightclub was racially motivated.

OPA opened this investigation. During its investigation, OPA reviewed the Blue Team complaint, Computer-Aided Dispatch (CAD) call report, and Body Worn Video (BWV). OPA attempted to contact the Complainant at the phone number she provided to WS#1, but it was the wrong number.<sup>1</sup> OPA searched SPD records for the Complainant's phone number, but associated numbers were either disconnected or did not accept incoming calls. Finally, OPA contacted the Complainant's self-identified employer, but the businessowner stated the Complainant did not work there. OPA was unable to locate other contact information for the Complainant, so she was not interviewed.

BWV recorded NE#1, Witness Officer #1 (WO#1), and WS#1's interactions with the Complainant.

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<sup>1</sup> On July 5, 2022, OPA called that number. A male answered and stated he did not know the Complainant.



NE#1 approached the Complainant, who stood outside a nightclub. NE#1 and the Complainant discussed her purse being inside the nightclub. NE#1 facilitated a conversation between the Complainant and nightclub employees about retrieving the Complainant's belongings, which was unsuccessful. The Complainant told WO#1 she was being racially discriminated against. When WO#1 asked for the Complainant to clarify who she believed discriminated against her, the Complainant pointed to several people, including members of nightclub security and NE#1. WO#1 requested a supervisor to the scene to screen the bias allegation. WS#1 arrived to screen the bias allegation. WS#1 spoke to the Complainant, who explained nightclub security removed her from the club and officers did nothing to stop it. When WS#1 asked the Complainant to specify how officers discriminated against her, the Complainant responded she worked for a law firm and WS#1 should speak to her boss. The Complainant told WS#1 she wanted to begin an internal affairs investigation.

**ANALYSIS AND CONCLUSIONS:**

**Named Employee - Allegation #1**

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

The Complainant alleged NE#1 engaged in bias-based policing.

SPD policy prohibits biased policing, defined 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. That includes different treatment based on a subject's race. *See id.*

During its investigation, OPA reviewed NE#1, WO#1, and WS#1's BWV. Notably, the Complainant was already outside the nightclub when NE#1 and WO#1 arrived. Neither officer participated in the Complainant nightclub removal. OPA did not observe any words or actions on the part of NE#1 that showed bias against the Complainant. Despite several efforts, OPA was unable to contact the Complainant for an interview.

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

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