



CLOSED CASE SUMMARY

ISSUED DATE: APRIL 20, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0391

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)
# 2	5.001 - Standards and Duties 10. Employees Shall Strive to be Professional	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:

The Complainant alleged that Named Employee #1 (NE#1)—an unknown officer—exhibited racist and threatening behavior when responding to a domestic violence call. The Complainant also alleged NE#1 arrested Community Member #1 (CM#1)—the Complainant's brother—based on his race. OPA opened an investigation. OPA was unable to reach the Complainant to arrange an interview. The Complainant's listed phone number was disconnected, and the Complainant did not respond to OPA's emails.

ADMINISTRATIVE NOTE:

This case was designated an Expedited Investigation. That means OPA, with the Office of Inspector General's (OIG) review and agreement, believed it could reach, and issue recommended findings based solely on its intake investigation. OIG also certified this investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

The Complainant listed October 10, 2022, as the incident date. She said Community Member #2 (CM#2)— the Complainant's mother— called 9-1-1 about CM#1's aggressive behavior. The complaint noted CM#1 was armed with a bat. OPA searched Mark43—the department's records management system, for a related incident report. However, OPA did not find an October 10, 2022, police response. Instead, among several prior police responses, a September 27, 2022, response involving the Complainant, CM#1, CM#2, and a bat was most consistent with the complaint. Computer-aided dispatch data showed seven police units responded at 4:52 AM on September 27, 2022. The 9-1-1 call-taker noted:

[REPORTING PARTY'S] SON KNOCKING THINGS OVER IN HOUSE, THRET [sic] TO HURT [REPORTING PARTY], [CALLTAKER] CAN HEAR MALE SCREAMING IN BACKGROUND, NO [WEAPONS]



CM#2 was listed as the 9-1-1 caller.

Witness Employee #1 (WE#1) wrote the related incident report. In summary, WE#1 wrote a CAD update indicated CM#1 threatened CM#2 and yelled for her to “come out and fight.” Upon arrival, officers heard a man yelling inside the apartment. Officers knocked on the door, and CM#1 opened it “shirtless, frantic, and sweating.” WE#1 suspected CM#1 was “high/intoxicated.” CM#1 was detained, and CM#2, the Complainant, and the Complainant’s daughter exited a room they locked themselves in. The Complainant told WE#1 that CM#1 broke items in the apartment and threatened them with a wooden bat. CM#2 told WE#1 that CM#1 was high on drugs. CM#2 said an argument erupted when she told CM#1 she did not want a drug abuser in her home. CM#2 said CM#1 hit items in the apartment with a bat and threatened to kill her, saying “there [will] be blood” and “someone was going to get thrown out of the apartment window.” Officers collected the bat and photographed damage, including holes in walls. Body-worn videos (BWV) were consistent with WE#1’s report.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

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

The Complainant alleged NE#1 arrested CM#1 due to CM#1’s race.

Bias-based policing is prohibited. SPD Policy 5.140-POL. Bias-based policing is “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.” *Id.* It includes differential treatment based on a subject’s race. See *id.*

Here, the evidence suggests CM#1 was not subjected to bias-based policing. Before officers engaged CM#1, the 9-1-1 caller—CM#2—reported him damaging the apartment and threatening her. The 9-1-1 call-taker also heard a man screaming in the background. As officers approached the apartment, they, too, heard a man yelling. Officers knocked on the door, and CM#1 opened it “shirtless, frantic, and sweating.”



CM#1 was detained while officers interviewed the Complainant and CM#2, who sought safety in a locked room. CM#2 reported CM#1 was high, smashing items with a bat and threatening to kill her. Officers located the bat and several holes consistent with the bat’s diameter.



At no point did BWV capture an officer saying or doing anything reasonably construed as biased or racist, as the complaint alleged.

Accordingly, at minimum, probable cause was established for CM#1's arrest, so OPA recommends the allegation be Not Sustained – Unfounded.

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

Named Employee #1 - Allegation #2

The Complainant alleged NE#1 was unprofessional because they threatened to “tear [her] door off.”

Here, BWV did not capture an officer issuing that alleged threat or anything similar. Conversely, BWV generally showed officers engaging the parties respectfully.

Accordingly, OPA recommends this allegation be Not Sustained - Unfounded.

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