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**Issued Date:** MARCH 26, 2024

**From:** Office of Police Accountability, Director Gino Betts 

**Case Number:** 2023OPA-0441

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

### **Named Employee #1**

1. **Allegation #1:** 5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing

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

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**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:**

Named Employee #1 (NE#1)—an unknown employee—allegedly laughed at the Complainant because she was a Black woman.

### **Administrative Note:**

This case was approved for Expedited Investigation. That means OPA, with the Office of Inspector General's (OIG) agreement, believed it could issue a recommended finding based solely on its intake investigation without interviewing the named employee. As such, OPA did not interview the named employee in this case.

On November 6, 2023, OIG certified OPA's investigation as thorough, timely, and objective.

### **Summary of Investigation:**

On September 29, 2023, the Complainant filed an OPA complaint, writing that when she entered the South Precinct to report an incident, a white officer looked at her because he "heard a Woman of Color's voice" and quickly closed the door. She stated that the officer's behavior caused her to feel intimidated and startled. She also wrote that other white male officers listened and laughed while she made a report with the front desk officer.

On October 4, 2023, OPA called the Complainant. She said NE#1's "look" suggested bias. OPA investigated the complaint, reviewing the computer-aided dispatch (CAD) call report, incident report, and South Precinct security video. OPA also interviewed the Complainant.

On September 29, 2023, at 3:47 PM, CAD call remarks noted, “[REPORTING PARTY] REQ[UESTED] TO SPEAK T[O] OFFICER REGARDING SUSP[ICIOUS] VEH[ICLE] THAT HAS BEEN FOLLOWING HER.” Witness Officer #1 (WO#1) wrote an incident report documenting the Complainant entering the South Precinct to report being followed by a suspicious vehicle.

The South Precinct security video captured the following:

The Complainant entered the South Precinct, approached the front desk, and spoke to an SPD employee. That employee was not within the video frame. The video had no audio. WO#1 exited a door with a “restricted” sign affixed to it and left the building. WO#1 reentered the building and the restricted door. About eight minutes later, an officer—possibly WO#1—opened a nearby door, appeared to look at the Complainant, and quickly closed the door. OPA could not conclude that this officer was WO#1 because security video only captured a portion of the top of this officer’s head. WO#1 spoke with the Complainant at the front desk. The Complainant sat on a chair and filled out a document. WO#1 exited the building again and reentered. The Complainant submitted the form at the front desk and left the building.

On October 4, 2023, OPA interviewed the Complainant, who said she heard laughter from a restricted area as she completed a police report. She said the laughing ceased while she spoke and resumed when she stopped speaking, indicating that officers were listening to her. She also claimed a white male officer with brown hair wearing sunglasses opened a door behind the front desk, looked at her, and closed the door. She said his “looks” were intimidating and biased against her as a woman of color.

### **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 that NE#1 laughed at her because she was a Black woman, constituting bias-based policing.

Biased policing means “the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws as well as other discernible personal characteristics of an individual.” SPD Policy 5.140-POL. It includes different treatments based on race. See *id.* Officers are forbidden from making decisions or taking actions influenced by bias and expressing prejudice or derogatory comments concerning personal characteristics. See SPD Policy 5.140-POL-2.

The South Precinct’s security video captured no misconduct during the Complainant’s visit. It captured an officer briefly opening and closing a door but not that officer staring at the Complainant in an intimidating or biased way. WO#1 also thoroughly documented the Complainant’s account in an incident report. Overall, OPA found no evidence supporting the Complainant’s interpretation of racial or gender-based mistreatment.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).  
Recommended Finding: **Not Sustained - Unfounded (Expedited)**