



## CLOSED CASE SUMMARY

ISSUED DATE: APRIL 4, 2024

FROM: DEPUTY DIRECTOR BONNIE GLENN ON BEHALF OF DIRECTOR GINO BETTS JR.,  
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2023OPA-0458

### 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:

The Complainant alleged Named Employee #1 (NE#1) contacted him due to racial bias.

#### ADMINISTRATIVE NOTE:

On November 10, 2023, the Office of Inspector General certified OPA's investigation as thorough, timely, and objective.

This case was designated as an Expedited Investigation. This means that OPA, with the Office of Inspector General's review and approval, believed that it could reach and issue recommended findings based solely on its intake investigation and without interviewing the involved employees. As such, OPA did not interview the involved employee.

#### SUMMARY OF INVESTIGATION:

On October 10, 2023, the Complainant filed a web-based complaint with OPA alleging that a "white separatist" officer racially profiled him earlier that day. The Complainant wrote the officer followed him and claimed the Complainant "looked like someone or was related to someone that was and [sic] assaulting people with a hammer." The Complainant wrote the officer was with a "Cause Stalking group" that "targets people for their difference's [sic]."

The Complainant only provided email contact information. In response to OPA's email, the Complainant wrote that the officer yelled out of his vehicle, followed, and approached him, and "lied and Sayed [sic] someone was going around attacking people with a hammer of some sort." The Complainant wrote that he told the officer, "I didn't see or hear anything like that," and he and the officer parted ways. The Complainant sent two photographs of the officer's vehicle. OPA located computer-aided dispatch (CAD) call report for the incident. NE#1 was the primary officer. The CAD call report was closed as a "suspicion person" and a note, "I contacted the subject, who was not [name of suspect]."

OPA reviewed NE#1's BWV, which showed NE#1 reviewing a felony wanted bulletin that had multiple photos for a suspect. The suspect appeared to be a Black man with a beard and short brown hair.



*NE#1 reviewing the felony wanted bulletin.*

BWV showed NE#1 made a U-turn, then spoke with someone through his passenger window, calling the person by the suspect's first name. NE#1 checked the wanted bulletin again while running a computer check. NE#1 drove another block, pulled another U-turn, parked, and exited the vehicle. NE#1 exited the vehicle and approached the Complainant. The Complainant appeared to be a Black man with a beard and short brown hair.



*NE#1 approaching the Complainant.*

NE#1 then told the Complainant that he did not have to provide identification and that he was not stopping him. NE#1 told the Complainant that he looked like the suspect, who was wanted for assault. NE#1 then walked away saying the Complainant, "showed me his ears, it's not him."



*NE#1 speaking with the Complainant.*

**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 engaged in bias-based policing by racially profiling him for a stop due to his race.

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.* Officers are forbidden from both, (i) making decisions or taking actions influenced by bias, and (ii) expressing any prejudice or derogatory comments concerning personal characteristics. See SPD Policy 5.140 POL-2.

The evidence showed this allegation was unfounded. BWV showed NE#1 checking a felony wanted bulletin multiple times. NE#1 then contacted the Complainant, who bore a resemblance to the individual pictured on that wanted bulletin. NE#1 did not detain the Complainant and was able to determine that the Complainant was not the suspect after a brief social contact. NE#1 then briefly explained the reason he contacted the Complainant. OPA appreciates that this encounter may have been confusing and distressing for the Complainant; however, based on the evidence provided and in review of the totality of the circumstances, the evidence does not support the allegation that NE#1 was motivated by racial bias when he determined that the Complainant was not the individual pictured on the wanted bulletin.

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

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