
Issued Date: APRIL 27, 2024**From:** Deputy Director Bonnie Glenn on Behalf of Director Gino Betts, Jr.
Office of Police Accountability**Case Number:** 2023OPA-0492

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)

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) responded to a collision involving the Complainant and Community Member #1 (CM#1). NE#1 wrote a traffic crash report documenting the Complainant's and CM#1's version of events and was unable to determine fault. The Complainant alleged that NE#1 was biased against his race and gender when NE#1 cited him, not CM#1, refused to timely provide him with CM#1's insurance information, and looked at him with bias.

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 involved in this case.

On December 8, 2023, OIG certified OPA's investigation as thorough, timely, and objective.

Summary of Investigation:

On November 1, 2023, a sergeant filed an OPA complaint on the Complainant's behalf, writing that the Complainant alleged that NE#1 discriminated against him based on his race and gender during NE#1's investigation of a two-vehicle collision. The sergeant wrote that the Complainant felt discriminated against based on NE#1's "vibe" and NE#1 finding CM#1's account more credible than his account.

OPA investigated the complaint, reviewing the computer-aided dispatch (CAD) call report, body-worn video (BWV), and traffic crash report. OPA also interviewed the Complainant.

On May 4, 2023, at 4:03 PM, CAD call remarks noted, "2 VEH[ICLE] COLLISION, DRIVER OF OTHER VEH[ICLE] WENT INSIDE THEIR HOUSE. NO INJ[URIE]S, NOT BLOCKING. NO [WEAPONS] SEEN. REFUSING TO EXCHANGE."

NE#1 responded to the incident location and activated his BWV, capturing the following:

NE#1 approached the Complainant. The front bumper of the Complainant's car was missing. The Complainant denied having insurance. NE#1 asked about the collision. The Complainant said he was traveling southbound on 23rd Avenue with a female passenger and was in the right lane and began to switch into the left lane when CM#1 crossed a yellow line into oncoming traffic and collided with the Complainant's vehicle. The Complainant said CM#1 continued driving, so he followed her and called 9-1-1 after she stopped. The Complainant said CM#1 refused to provide him her insurance information and ran into her house. The Complainant said he and CM#1 knew each other. NE#1 photographed both cars.

NE#1 approached Witness Officer #1 (WO#1), who interviewed CM#1. CM#1 said she drove away because she knew the Complainant and did not feel safe to stop; however, she was going to call 9-1-1 once she got home. CM#1 said she was driving SB on 23rd Avenue and the Complainant pulled out of a parking lot and struck the side of her vehicle. NE#1 and WO#1 inspected the damage on both cars and discussed both versions of the collision. The Complainant's female passenger said, "she's lying, cause she hit us really hard." NE#1 and WO#1 approached the Complainant, who was in his car, and told him they did not believe one party over the other since there was no independent witness to the accident.

NE#1 and WO#1 stepped away. WO#1 suggested to NE#1 that NE#1 write a report not citing anyone for the accident because they could not determine fault. NE#1 reapproached the Complainant and explained CM#1's account but reiterated that he could not determine fault based on inspection of the evidence, differing accounts, and no independent witnesses. NE#1 told the Complainant he would be cited for having no insurance. The Complainant disputed the citation, saying he only needed to renew his insurance. NE#1 replied that the Complainant could not provide current proof of insurance. The Complainant asked several times for CM#1's insurance information from NE#1. NE#1 conferred with WO#1 to verify if the proof of insurance information in the police report was sufficient. WO#1 confirmed with NE#1 that he should provide this information as well to the Complainant. NE#1 provided the Complainant with CM#1's insurance information, then left.

NE#1's incident report was consistent with the events captured on BWV. NE#1 wrote, "Due to the information gathered by all parties and not having independent witnesses, I was not able discover who was the driver at fault, in this collision."

On November 8, 2023, OPA interviewed the Complainant. The Complainant said CM#1 should have been cited for hit and run. The Complainant believed NE#1's incident report was wrong. The Complainant alleged that NE#1 was biased because NE#1 refused to talk to him first, refused to cite CM#1, refused to timely provide him with CM#1's insurance information, threatened to cite him for expired tabs, and looked at him with bias. The Complainant believed NE#1 was biased against him because he was an older Black man.

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 biased policing based on race and gender. 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 or gender. 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.

BWV captured NE#1's interaction with the Complainant. Although NE#1 did not cite CM#1 for hit and run, CM#1 reported that she drove away due to safety concerns based on knowing the Complainant. NE#1 cited the Complainant for failing to produce valid insurance, whereas CM#1 produced valid insurance. NE#1 initially did not provide the Complainant with CM#1's insurance information because NE#1 believed the Complainant could retrieve that information from NE#1's traffic crash report. NE#1 immediately provided the Complainant with CM#1's insurance information after conferring with WO#1. NE#1 did not threaten to cite the Complainant for driving with expired tabs. Rather, NE#1 gave the Complainant a break, deciding not to cite him. No evidence suggested that NE#1 found CM#1's account more credible than the Complainant's account. In fact, NE#1 could not determine fault as reflected in his traffic crash report. Although the Complainant alleged that NE#1 was biased against his race and gender, based on the evidence provided, no evidence suggested race or gender impacted NE#1's investigation.

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

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