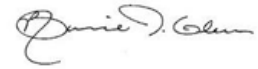

Issued Date: JUNE 22, 2024

From: Deputy Director Bonnie Glenn on Behalf Of Director Gino Betts, Jr.
Office of Police Accountability



Case Number: 2023OPA-0550

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 may be written in the first person.

Executive Summary:

Named Employee #1 (NE#1) responded to a collision involving a bicyclist (Complainant) and a driver (Community Member #1 or CM#1). NE#1 did not cite either party. The Complainant alleged NE#1's failure to cite CM#1 was racially biased.

Administrative Note:

NE#1 allegedly wrote an incomplete police report for failing to document CM#1's insurance information. OPA processed this allegation for a Supervisor Action. Supervisor Action generally involves a minor policy violation or performance issue that is best addressed through training, communication, or coaching by the employee's supervisor. See OPA Internal Operations and Training Manual section 5.4(B)(ii).

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 January 30, 2024, OIG certified OPA's investigation as thorough, timely, and objective.

Summary of Investigation:

On December 26, 2023, the Complainant filed an OPA complaint, writing that CM#1 quickly pulled out of a parking garage and struck her. The Complainant alleged NE#1 failed to cite CM#1 based on racial bias.

OPA investigated the complaint, reviewing body-worn video (BWV) and the police traffic collision report. OPA also interviewed the Complainant.

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

NE#1 spoke with CM#1, who said he pulled out of a parking garage when the Complainant, traveling fast on a bicycle on the sidewalk, struck his car. NE#1 inspected CM#1's car, then spoke with a witness. The witness said the Complainant was "hauling" up the sidewalk on a bicycle when CM#1 pulled out in front of her.

NE#1 spoke with the Complainant, who was being treated by the fire department. The Complainant said she was riding a bicycle on the sidewalk when she heard the parking garage alarm signaling an approaching car. The Complainant said she slowed down to avoid CM#1's car, but CM#1 traveled too fast. The Complainant said she struck CM#1's car and went over its hood. NE#1 told the Complainant that he would document CM#1's license plate number on his police report. NE#1 left the scene.

NE#1's police traffic collision report was consistent with the events captured on BWV. NE#1 wrote, "Due to conflicting stories[,] I did not issue a citation."

On January 5, 2024, OPA interviewed the Complainant, who believed NE#1's failure to cite CM#1 was based on racial bias or misjudgment. The Complainant asserted that CM#1 drove too fast.

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 failed to cite CM#1 based on racial bias.

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 treatment based on race. See *id.* Employees are forbidden from making decisions or taking actions influenced by bias, prejudice, or discriminatory intent. See SPD Policy 5.140-POL-2.

NE#1 interviewed both parties and a witness. NE#1 inspected the damage to CM#1's car. Aside from forgetting to ask CM#1 for his insurance information, NE#1's investigation was thorough and not racially motivated. NE#1 decided not to cite CM#1 because NE#1 was unable to establish fault based on the parties' conflicting stories. Overall, OPA found no evidence supporting the Complainant's interpretation of racial-based mistreatment.

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

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