
Issued Date: JUNE 21, 2024

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



Case Number: 2023OPA-0553

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:

The Complainant reported to Named Employee #1 (NE#1) that a car has been following her when she gets on the bus or walks in the neighborhood. The driver of the vehicle slows down and watches her through the window of her apartment. The Complainant alleged NE#1 disregarded her claim based on her mental health status, constituting bias-based policing.

Administrative Note:

NE#1 was allegedly unprofessional by asking the Complainant whether she sought mental health assistance. OPA processed this allegation for 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 22, 2024, OIG certified OPA's investigation as thorough, timely, and objective.

Summary of Investigation:

On December 25, 2023, the Complainant filed an OPA complaint, reporting that a car followed her while she got on a bus and walked in her neighborhood. She wrote that the car constantly circled the block in front of her building. She wrote that the driver also looked into her window at night. The Complainant alleged NE#1 did not find her claim credible based on her mental health status.

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

NE#1 responded to the Complainant's apartment and activated his BWV, capturing the following:

The Complainant met NE#1 outside and told NE#1 that two cars circled her block and followed her. She said she photographed the cars and got their license plate numbers. NE#1 asked whether the Complainant sought mental health assistance, and she replied yes. NE#1 clarified that one license plate number "came back to nothing" while the other license plate number came back to a car that was not registered near the area she resided. NE#1 asked why the Complainant thought these cars followed her. The Complainant explained they followed the bus she rode, circled her block, and slowed down to look at her window. She asked whether NE#1 looked at past reports she filed, and NE#1 replied "no". The Complainant said she saw mental health professionals. She said she would stop talking if NE#1 did not believe her. NE#1 replied that he would write a report but noted no one threatened or assaulted her. The Complainant responded, "No, it's just clearly, you're pretty biased. So, and you're making judgments." She said NE#1 lacked foundation and tried to diagnose her. The Complainant reiterated that the cars slowed down to look at her window, but NE#1 noted a tree obscuring her window. NE#1 said he could not stop the cars since they committed no crimes. The Complainant said NE#1 did not believe her, especially after NE#1 questioned her mental health. NE#1 denied her claim that he did not believe her. The Complainant spoke to another officer about being followed and then terminated her contact with that officer and NE#1.

NE#1's incident report was consistent with the events captured on BWV.

On January 2, 2024, OPA interviewed the Complainant. She felt NE#1 did not believe her and was condescending when he asked about her mental health. She believed NE#1 dismissed her concerns, which could place other women at risk.

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 disregarded her claim based on her mental health status, 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 treatment based on mental illness. See *id.* Officers are forbidden from making decisions or taking actions influenced by bias and expressing prejudice or derogatory comments concerning discernible personal characteristics. See SPD Policy 5.140-POL-2.

NE#1 indicated he was unaware of the Complainant’s mental health status before he contacted her. NE#1 said he did not read past reports that the Complainant filed. BWV also indicated NE#1 investigated the Complainant’s claim. NE#1 said he ran the license plates of the cars that allegedly followed the Complainant. NE#1 told the Complainant that one license plate number returned nothing suspicious while the other license plate number returned to a car that was not registered near the area. Lastly, NE#1’s questions about the cars, the tree obscuring the Complainant’s window, and the Complainant’s mental health history were relevant to NE#1’s investigation, not based on bias. NE#1’s incident report was also thorough and accurately reflected the information reported to him. Therefore, based on the evidence provided, in review of the totality of the circumstances, OPA finds the evidence does not constitute bias-based policing based on the Complainant’s mental health status.

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

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