



CLOSED CASE SUMMARY

ISSUED DATE: AUGUST 2, 2024

FROM: DIRECTOR GINO BETTS, JR. 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0076

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:

Named Employee #1 (NE#1) responded to a disturbance between the Complainant and Community Member #1 (CM#1)—the Complainant's neighbor. The Complainant alleged that NE#1's incident report was racially biased.

ADMINISTRATIVE NOTE:

During its intake investigation, OPA identified Witness Supervisor #1 (WS#1) as screening the incident for bias over dispatch but failing to document it in an offense report. OPA sent WS#1's potential SPD Policy 15.120-POL-3 (Officers Will Document All Bias Crimes and Incidents on an Offense Report) violation to his chain of command for Supervisor Action.¹ Additionally, OPA identified NE#1 as allegedly misquoting a statement in his incident report. OPA sent NE#1's potential SPD Policy 15.180-POL-5 (Officers Shall Document all Primary Investigations on a Report) violation to his chain of command for an "FYI" Supervisor Action.²

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 March 20, 2024, OIG certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

¹ 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).

² "FYI" Supervisor Action generally involves a complaint deemed unfounded through the intake investigation that does not meet the criteria to be closed as a Contact Log. See OPA Internal Operations and Training Manual section 5.4(B)(ii). In these situations, OPA directs the chain of command to take no action other than informing the named employee of the complaint's closing. *Id.*



On February 6, 2024, the Complainant filed an OPA complaint, writing that NE#1's incident report was "written in a racially biased manner." The Complainant wrote that she was assaulted, and the perpetrator said to her, "This is why your people act the way they do." The Complainant wrote that NE#1's documentation of the perpetrator's account was detailed and long, while NE#1's documentation of her account was "inaccurate and missing information."

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

On December 21, 2023, at 9:44 AM, a 911 call from CM#1 generated the following CAD call remarks: "IN [REPORTING PARTY'S] FRONT YARD, [REPORTING PARTY'S] FEMALE [NEIGHBOR] YELLING AT [REPORTING PARTY], [REPORTING PARTY] AND SUSP[ECT] PUSHED EACH OTHER, MEDICS DECLINED, NO THRE[A]T, NO [WEAPONS] SEEN. [REPORTING PARTY] IS INSIDE, SUSP[ECT] IS OUTSIDE."

At 9:52 AM, a 911 call from the Complainant generated the following CAD call remarks: "10 MIN[UTE]S AGO, [REPORTING PARTY] WAS SHOVED BY [NEIGHBOR], SUSP[ECT] INSIDE THEIR HOUSE WITH [AGGRESSIVE] GERMAN SHEPARD, MEDICS DECLINED, NO [WEAPONS]."

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

NE#1 interviewed CM#1 and Community Member #2 (CM#2)—CM#1's husband—inside their home. CM#1 said the Complainant knocked on their door and complained about how their son parked his vehicle. CM#1 said the Complainant was aggressive and refused to leave. CM#1 said she placed her hand on the Complainant's shoulder to get her to leave, but the Complainant became upset and flailed her arms around, causing CM#2 to step in between them. CM#1 denied pushing the Complainant. CM#1 said the Complainant stood outside for two hours before the police arrived, shouted at CM#1 for being racist, and told CM#1 to watch her Ring camera, which CM#1 interpreted as a threat. NE#1 suggested CM#1 and CM#2 consider an anti-harassment protection order.

NE#1 interviewed the Complainant inside her home. The Complainant said CM#1's son's parked vehicle blocked two parking spots, so she asked CM#2 to have his son repark it. The Complainant said CM#1 interrupted, telling her to leave. The Complainant said she ignored CM#1, but CM#1 shoved her. The Complainant said she shoved CM#1 in response, causing CM#2 to step in between them. The Complainant said CM#1 went inside her home and tried to get her dog to attack the Complainant, but the dog stood still. The Complainant said CM#1 remarked, "That's why your people act the way they do." The Complainant said she waited outside for the police to arrive. NE#1 told the Complainant that he did not believe this incident was a hate crime because both parties provided differing accounts. NE#1 suggested the Complainant consider an anti-harassment protection order.

NE#1's incident report documented CM#1's and the Complainant's accounts, consistent with BWV observations. NE#1 wrote:

[The Complainant] stated that [CM#1] said something along the lines of "This is why you guys have a bad reputation." [The Complainant] stated she felt this was a biased comment but could not articulate any further on why.

NE#1 wrote that he lacked probable cause for an arrest because each party had differing accounts of the incident, and there was no video evidence.



On February 21, 2024, OPA interviewed the Complainant. The Complainant expressed anger that CM#1 assaulted her, [made] racial remarks, and tried to get a dog to attack her. The Complainant said NE#1 took insufficient notes during her interview. The Complainant said NE#1's documentation of her account lacked detail and sequencing. The Complainant said NE#1 inaccurately documented CM#1's racist statement and CM#1's assault. The Complainant said NE#1's documentation on the absence of video evidence was untrue because she showed NE#1 a video she recorded. The Complainant said NE#1's incident report portrayed her as the aggressor. The Complainant believed NE#1's incident report gave more credibility to CM#1's account.

On February 22, 2024, OPA interviewed Community Member #3 (CM#3)—the Complainant's roommate. CM#3 described the incident based on what the Complainant reported to her. CM#3 said several details in NE#1's incident report were inaccurate. CM#3 said NE#1 should have documented CM#1 pushing the Complainant, CM#1 trying to get her dog to attack the Complainant, and CM#1's racial statement.

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's incident report was written in a "racially biased manner."

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.* 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's incident report was consistent with BWV observations. Although NE#1's documentation of CM#1's alleged statement ("that's why your people act the way they do") was imprecise, NE#1 prefaced that quote with a phrase suggesting it would be inexact ("[CM#1] said something along the lines of"). NE#1's incident report accurately documented the Complainant's belief that CM#1 was biased against her. NE#1's documentation of CM#1's alleged assault was consistent with the Complainant's statements. NE#1's incident report did not portray the Complainant as the aggressor. Instead, according to the Complainant, it noted that CM#1 shoved the Complainant first. Additionally, NE#1's incident report did not assess which account was more credible. Instead, NE#1 noted that because both sides had differing stories, he could not establish probable cause for a crime. NE#1's documentation concerning the lack of video evidence was accurate. The Complainant's video did not capture the argument or the physical altercation between the Complainant and CM#1. Overall, OPA finds that NE#1's incident report accurately reflected the Complainant's statements. OPA found no evidence indicating it was written in a "racially based manner."

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

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