



CLOSED CASE SUMMARY

ISSUED DATE: OCTOBER 21, 2024

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

CASE NUMBER: 2024OPA-0197

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)
# 2	5.001 – Standards and Duties, 5.001-POL-11. Employees Will Be Truthful and Complete in All Communication	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 an assault incident at a bar. The Complainant alleged that NE#1 was biased and lied on his incident report.

ADMINISTRATIVE NOTE:

During its intake investigation, OPA identified NE#1 failing to acknowledge the Complainant before entering the bar. OPA sent NE#1's potential violation of SPD Policy 5.001-POL-10 (Employees Will Strive to be Professional) to his chain of command for Supervisor Action.¹

This case was approved for Expedited Investigation. That means OPA, with the Office of Inspector General's (OIG) agreement, believed it could issue recommended findings based solely on its intake investigation without interviewing the named employee. As such, OPA did not interview the named employee in this case.

On June 5, 2024, OIG certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

On April 28, 2024, the Complainant submitted an OPA complaint, writing that she was assaulted by a bouncer at a bar and then pepper sprayed by another bouncer while she was on a sidewalk. The Complainant wrote that after she called 911, NE#1 responded, walked past her, and amicably engaged the bouncers in the bar by high fiving them. The Complainant expressed frustration about how NE#1 investigated the incident.

¹ Supervisor Actions generally involve a minor policy violation or performance issue the employee's supervisor addresses through training, communication, or coaching. See OPA Internal Operations and Training Manual section 5.4(B)(ii).



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

On April 27, 2024, at 9:43 PM, CAD call remarks noted, "BOUNCER PEPPERSPRAYED [REPORTING PARTY] AND HER GIRLF[RIEND] 1 MIN[UTE] AGO, NO [WEAPONS] SEEN."

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

The Complainant was outside the bar as NE#1 approached and told NE#1 she was pepper sprayed. NE#1 walked past the Complainant, prompting her to say, "Oh, you don't give a fuck?" NE#1 entered the bar, shook Community Member #1's (CM#1) hand, and interviewed him. CM#1, a bar employee, said a dispute arose when he asked the Complainant's friend to leave due to her intoxication. CM#1 said the Complainant became upset, claimed that her friend appeared intoxicated due to an illness, and began pushing CM#1. CM#1 said he pushed back and pepper sprayed the Complainant in self-defense. CM#1 also said the Complainant threatened him. NE#1 exited the bar and searched for the Complainant, who was no longer present. NE#1 reentered the bar and interviewed Community Member #2 (CM#2), a bar manager. CM#2 was unable to access security video but corroborated CM#1's account, claiming that the Complainant became upset and pushed bar staff. CM#2 said he pepper sprayed the Complainant.

NE#1 called the Complainant inside his patrol vehicle. The Complainant answered and accused NE#1 of high fiving CM#1. The Complainant partially corroborated CM#1's and CM#2's account but claimed she was pushed first, so she pushed back and then was pepper sprayed. The Complainant expressed frustration about NE#1 ignoring her and then high fiving CM#1.

NE#1's incident report was consistent with BWV observations.

On May 7, 2024, OPA interviewed the Complainant. The Complainant alleged that NE#1 was biased for CM#1 based on a personal relationship with him but biased against her, a victim needing medical attention. The Complainant alleged that NE#1's incident report was untruthful because it stated that she swore at officers after they arrived and that only one bouncer was involved, not two. The Complainant also alleged that NE#1's incident report omitted important details, like CM#2 unintentionally pepper spraying other people on the sidewalk.

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 was biased against her.

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. 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.

The Complainant did not articulate mistreatment based on a protected class or discernible personal characteristic, like race. Even if she did, OPA found no evidence suggesting NE#1 was biased in any way. NE#1 investigated the



incident by interviewing the parties to the dispute, attempting to watch video of the altercation, and documenting the accounts in an incident report. BWV did not capture a high five between NE#1 and CM#1, as the Complainant perceived. Instead, it captured a handshake between NE#1 and CM#1. Such contact did not suggest bias.

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

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

Named Employee #1 – Allegation #2

5.001 – Standards and Duties, 5.001-POL-11. Employees Will Be Truthful and Complete in All Communication

The Complainant alleged that NE#1's incident report was untruthful and omitted important details.

Department employees must be truthful and complete in all communications. SPD Policy 5.001-POL-11.

The Complainant alleged that NE#1's incident report was untruthful because it stated that she swore at officers upon their arrival. NE#1's documentation was accurate because BWV captured the Complainant accusing NE#1, "You don't give a fuck." The Complainant also alleged that NE#1's incident report noted only one bouncer, not two. NE#1 documented two bar employees: CM#1 and CM#2. The report described their accounts of the incident. Finally, the Complainant alleged that NE#1's incident report omitted important details. NE#1 exercised reasonable discretion in documenting details pertinent to his investigation. The failure to document every detail does not constitute dishonesty. Overall, NE#1's incident report was consistent with BWV observations, thorough, and accurate.

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

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