



CLOSED CASE SUMMARY

ISSUED DATE: OCTOBER 22, 2024

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

CASE NUMBER: 2024OPA-0198

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional	Not Sustained - Unfounded (Expedited)
# 2	5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded (Expedited)

Named Employee #2

Allegation(s):		Director's Findings
# 1	5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional	Not Sustained - Unfounded (Expedited)
# 2	5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded (Expedited)
# 3	5.001 – Standards and Duties, 5.001-POL-11. Employees Will Be Truthful and Complete in All Communication	Not Sustained - Unfounded (Expedited)

Named Employee #3

Allegation(s):		Director's Findings
# 1	5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional	Not Sustained - Unfounded (Expedited)
# 2	5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded (Expedited)
# 3	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), Named Employee #2 (NE#2), and Named Employee #3 (NE#3) interacted with the Complainant throughout the course of a domestic violence (DV) and sexual assault case. The Complainant alleged that NE#1 unprofessionally dismissed her sexual assault claim and was racially biased against her. The Complainant also alleged that NE#2 and NE#3 were unprofessional, racially biased against her, and untruthful in their police reports.



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 recommended findings based solely on its intake investigation without interviewing the named employees. As such, OPA did not interview the named employees in this case.

On September 9, 2024, OIG certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

On April 30, 2024, the Complainant submitted an OPA complaint, alleging the following:

- NE#1 dismissed her sexual assault claim, refused to document it in a report, and defended Community Member #1 (CM#1)—the Complainant's ex-boyfriend—without investigating her claim.
- NE#2 racially discriminated against her, a Black woman, and favored CM#1, a white man who assaulted her. NE#2 wrote an untruthful police report.
- NE#3 wrote an untruthful police report by documenting the incorrect dates, times, and locations. NE#3 was discriminatory and favored CM#1.

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

On November 30, 2023, at 4:05 PM, CAD call remarks noted, "[REPORTING PARTY] GOT A [NO-CONTACT ORDER] AGAINST HIS EX[-]GIRLFRIEND TODAY AT COURT. SHE IS CURRENTLY SQUATTING INSIDE HIS HOUSE. [REPORTING PARTY] IS REQUESTING ASSISTANCE SERVING THE ORDER AND REMOVING THE SUBJ[ECT] FROM HIS HOME. [REPORTING PARTY] WILL WAIT 2 HOUSES NORTH OF, IN HIS VEH[ICLE] FOR CONTACT."

NE#2's police report stated that he responded to CM#1's home and served a temporary protection order (TPO) on the Complainant. It stated that officers stood by as the Complainant packed her belongings and left. It also stated that he documented the service of the TPO and sent it to SPD's DV Unit.

On December 1, 2023, at 2:08 PM, CAD call remarks noted, "[REPORTING PARTY] REQ[UESTED] STANDBY TO RETRIEVE HER ITEMS FROM LISTED ADDR[ESS], EX[-]BOYF[RIEND] IS AT THE UNIT AND HAS FILED A [NO-CONTACT ORDER] AGAINST [REPORTING PARTY]...."

NE#1's police report stated that she responded to the Complainant's location, where she reported sexual assault. The Complainant acknowledged having consensual intercourse with CM#1 but oftentimes felt obligated to engage in intercourse with CM#1, or CM#1 would financially restrict her, become angry, or cause problems. The Complainant reported that she refused to engage in intercourse at times but would yield to CM#1's advances. NE#1's report stated that the Complainant was provided a new SPD case number for her sexual assault claim and a DV pamphlet.

On April 4, 2024, at 5:42 PM, CAD call remarks noted, "CALL [REPORTING PARTY] RE[GARDING] HER BELIEVE THAT HER EX[-]BOYF[RIEND] POISONED HER IN NOVEMBER 2023. [REPORTING PARTY] SAID SHE'S CALLED PREVIOUSLY TO REPORT THIS BUT HAS BEEN UNABLE TO BE PUT IN CONTACT W[ITH] SPD [OFFICER]...."



NE#3's police report stated that he interviewed the Complainant over the phone, which was not recorded on his BWV. According to NE#3's report, the Complainant reported being in a relationship with CM#1 and staying at his home. The Complainant reported her inability to end the relationship because CM#1 threatened to harm himself. The Complainant considered this behavior as mentally manipulative. The Complainant reported that CM#1 sexually assaulted her, and CM#1's ex-girlfriend pepper sprayed her. The Complainant reported that she traveled home to Nashville and suspected CM#1 tried to poison her because she smelled pesticide from her luggage. The Complainant believed CM#1 was responsible for causing multiple fires at her apartment and damaging her vehicle. The Complainant reported that she and CM#1 obtained mutual DV protection orders against each other. The Complainant demanded that the police thoroughly investigate her sexual assault and poisoning claims.

The named employees' police reports were consistent with OPA's BWV observations.

On May 15, 2024, OPA interviewed the Complainant. The Complainant alleged that NE#2's police report was untruthful because it stated that he provided her with a DV packet, which the Complainant believed was incomplete. The Complainant also believed the TPO was incomplete because it lacked witness statements. The Complainant alleged that NE#1 did not take her sexual assault claim seriously because NE#1 suggested she was retaliating against CM#1. The Complainant alleged that NE#3's police report was untruthful because it stated that multiple fires at her apartment occurred in Nashville—a location the Complainant refuted.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional

The Complainant alleged that NE#1 unprofessionally dismissed her sexual assault claim.

SPD employees must “strive to be professional.” SPD Policy 5.001-POL-10. Further, “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers,” whether on or off duty. *Id.*

The Complainant's allegation was inconsistent with OPA's BWV observations. NE#1 was neither dismissive nor unprofessional as she listened to the Complainant's sexual assault claim. Moreover, NE#1's partner primarily spoke with the Complainant during the interaction. Finally, NE#1 documented the Complainant's sexual assault claim in her police report, which was objective and thorough. NE#1's police report neither dismissed the Complainant's claim nor suggested the Complainant was retaliating against CM#1. OPA found no evidence suggesting NE#1 was unprofessional throughout her interaction with the Complainant.

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

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

Named Employee #1 – Allegation #2

5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing

The Complainant alleged that NE#1 was racially 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. It includes different treatment based on race. *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.

As noted in Named Employee #1 – Allegation #1, NE#1’s interaction with the Complainant was professional, not racially biased. NE#1 responded to the Complainant’s location, listened to her sexual assault claim, and documented it in a police report. OPA found no evidence supporting the Complainant’s interpretation of race-based mistreatment.

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

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

Named Employee #2 – Allegation #1

5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional

The Complainant alleged that NE#2 unprofessionally sided with CM#1.

The Complainant’s allegation was inconsistent with OPA’s BWV observations. NE#2 responded to CM#1’s home, served a TPO on the Complainant, and stood by as she packed her belongings and left. NE#2 documented the incident in his police report, which was objective and thorough. It did not show favoritism toward CM#1. OPA found no evidence suggesting NE#2 was unprofessional throughout his interaction with the Complainant.

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

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

Named Employee #2 – Allegation #2

5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing

The Complainant alleged that NE#2 racially discriminated against her.

As noted in Named Employee #2 – Allegation #1, NE#2’s interaction with the Complainant was professional, not racially biased. NE#2 responded to CM#1’s home, served a TPO on the Complainant, and documented it in a police report. OPA found no evidence supporting the Complainant’s allegation of race-based mistreatment.

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

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

Named Employee #2 – Allegation #3

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

The Complainant alleged that NE#2’s police report was untruthful.



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

NE#2 documented the service of the TPO in his police report. The Complainant believed the TPO was incomplete because it lacked witness statements. However, witness statements did not need to be provided during the service of a TPO. The evidence suggested that NE#2 served the Complainant with the pertinent TPO paperwork.

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

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

Named Employee #3 – Allegation #1

5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional

The Complainant alleged that NE#3 unprofessionally sided with CM#1.

Although the Complainant's interview was not captured on NE#3's BWV, there is no evidence suggesting NE#3 sided with CM#1. NE#3 documented the Complainant's sexual assault and poisoning claims in his police report, which was objective and thorough. It neither dismissed the Complainant's claim nor sided with CM#1. OPA found no evidence suggesting NE#3 was unprofessional throughout his interaction with the Complainant.

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

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

Named Employee #3 – Allegation #2

5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing

The Complainant alleged that NE#3 racially discriminated against her.

As noted in Named Employee #3 – Allegation #1, NE#3's interaction with the Complainant was professional and not racially biased. NE#3 interviewed the Complainant over the phone and documented her statements in a police report. OPA found no evidence supporting the Complainant's allegation of race-based mistreatment.

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

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

Named Employee #3 – Allegation #3

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

The Complainant alleged that NE#3 wrote an untruthful police report.

The Complainant alleged that NE#3's police report was untruthful because it stated that multiple fires at her apartment occurred in Nashville—a location the Complainant refuted. Due to the absence of BWV, OPA was unable to verify whether NE#3 documented the correct location of the fires. However, the totality of NE#3's police report



appeared objective and thorough. Any inaccurate documentation could be attributable to an inadvertent mistake or misunderstanding the Complainant. OPA found no evidence suggesting any mistaken documentation, if true, was based on intentional dishonesty.

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

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