



## ***CLOSED CASE SUMMARY***

ISSUED DATE: NOVEMBER 18, 2024

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

CASE NUMBER: 2024OPA-0227

### **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)

#### **Named Employee #2**

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	15.180, Primary Investigations, 15.180-POL-5, Officers Shall Document all Primary Investigations on a Report	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) and Named Employee #2 (NE#2) responded to a trespass and assault call at an apartment building and arrested Community Member #1 (CM#1). The Complainant—CM#1's partner—alleged that the named employees were racially biased against CM#1. The Complainant also alleged that NE#2 intentionally omitted certain details in his incident report.

### **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 July 2, 2024, OIG certified OPA's investigation as thorough, timely, and objective.

### **SUMMARY OF INVESTIGATION:**

On May 22, 2024, the Complainant submitted an OPA complaint, writing that his landlord falsely reported trespass and assault claims against CM#1. The Complainant alleged that responding SPD officers arrested CM#1 based on his race. The Complainant also alleged that NE#2's incident report omitted details about the landlord's racially motivated insults and assaults against CM#1.



OPA investigated the complaint by reviewing the computer-aided dispatch (CAD) call report, body-worn video (BWV), and incident report. The Complainant did not respond to OPA's requests for an interview.

On April 29, 2024, at 2:19 PM, CAD call remarks noted, "[JUST OCCURRED], TRANSIENT MALE HIT [REPORTING PARTY] IN HEAD WITH FIST/FOOD, MEDICS DECLINED, SUSP[ECT] NOW IN PARKING GARAGE ON P1, [REPORTING PARTY] IS SEC[URITY] ARMED WITH PEPPER SPRAY, NO [WEAPONS] SEEN ON SUSP[ECT]."

The named employees responded to the incident location and activated their BWV, capturing the following:

The named employees entered the lobby of an apartment building and spoke with the concierge. The concierge reported that he was assaulted when CM#1, who was previously trespassed, forcibly entered the building, hit him on the head, and went to the parking garage because CM#1 could not access the other floors. The named employees went to the garage and handcuffed CM#1. An apartment employee in the garage told the named employees that CM#1 assaulted the concierge, was a nonresident, and was permitted to be in the Complainant's apartment only if the Complainant escorted him there. That employee also said CM#1 previously broke into the building and stole from other residents. The named employees escorted CM#1 to their patrol vehicle where NE#1 checked CM#1's record on her computer. NE#1 reapproached CM#1 and told him he was trespassed from the building and required an escort to the Complainant's apartment. CM#1 said he followed someone into the building because he could not reach the Complainant by phone. NE#2 Mirandized CM#1, and the named employees transported CM#1 to the East Precinct.

NE#2's incident report was consistent with BWV observations. It stated that NE#2 located a formal trespass and multiple reports about CM#1 causing disturbances at the apartment building. It also stated that CM#1 was arrested for assault and investigation of burglary since CM#1 forcibly entered a trespassed area.

### **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 the named employees were racially biased against CM#1.

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.

The named employees arrested CM#1 based on probable cause for assault and investigation of burglary. Multiple apartment employees witnessed the assault and reported it to the named employees. Moreover, the named employees handcuffed CM#1 in a trespassed area and subsequently confirmed his being formally trespassed. CM#1 admitted he followed someone into the building despite being aware that he needed to be escorted to the Complainant's apartment. These facts suggest CM#1's arrest was based on probable cause for two crimes, not CM#1's race. 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**

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

For the reasons at Named Employee #1 – Allegation #1, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

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

**Named Employee #2 – Allegation #2**

***15.180 – Primary Investigations, 15.180-POL-5. Officers Shall Document all Primary Investigations on a Report***

The Complainant alleged that NE#2 intentionally omitted certain details in his incident report.

Officers must document all primary investigations in a report. SPD Policy 15.180-POL-5. All reports must be complete, thorough, and accurate. *Id.*

The Complainant alleged that NE#2's incident report omitted "the established pattern of racially motivated physical and verbal assaults launched against" CM#1 by apartment employees, but such claim was never reported to NE#2 at the scene. Based on OPA's BWV observations, NE#2's incident report was complete, thorough, and accurate. NE#2 documented information the apartment employees and CM#1 reported to him. OPA found no evidence suggesting NE#2 intentionally omitted any detail pertinent to his investigation.

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

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