



CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 2, 2025

FROM: INTERIM DIRECTOR BONNIE GLENN
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0331

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)

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 call involving Community Member #1 (CM#1) reportedly threatening the Complainant. The Complainant, a white male, alleged that NE#1, a Black male, was unprofessional and exhibited racial bias because CM#1 was also Black.

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 employee. As such, OPA did not interview the named employee in this case.

On September 16, 2024, OIG certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

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

On August 8, 2024, CAD call remarks noted that CM#1, a hotdog vendor located near the Complainant's apartment, threatened to harm the Complainant. BWV captured NE#1 responding to the Complainant's apartment. Upon arrival, NE#1 first spoke with the Complainant's wife, who reported that CM#1 threatened to harm the Complainant and he feels threatened. Subsequently, the wife invited NE#1 into the apartment, where NE#1 interviewed the Complainant. He reported that there was a dispute about whether CM#1 was properly permitted to sell food, which escalated to threats of harm. He described CM#1 and CM#1's associates as gang members, prompting NE#1 to inquire about the basis for this identification. The Complainant said they disclosed that to him, and he recognized gangs from his upbringing in Miami and is street smart. The Complainant showed NE#1 pictures of CM#1 and CM#1's associates,



indicating they were confrontational and gang related. NE#1 explained, saying their confrontational disposition or gang affiliation could not be established solely based on the pictures. The Complainant ultimately stated, “we don’t know that” when asked by NE#1 if they knew they were gang members; however, the Complainant stated he was aware of some gang signs. NE#1 advised the Complainant to submit the pictures as evidence and provided a link to upload them. The Complainant, became visibly upset and indicated he did not feel he was being listened to. NE#1 asked if there was anything else he could do for him and the Complainant declined to provide additional statements. NE#1 left the apartment and completed a police report.

On August 22, 2024, OPA interviewed the Complainant. He alleged that NE#1 refused to recognize the pictures showing CM#1 and CM#1’s associates as gang members due to their shared racial background. He noted that they were Black like NE#1. He clarified that NE#1 was reluctant to take police action against people of his own race. He further clarified that had CM#1 and CM#1’s associates been white, NE#1 would have examined the pictures.

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 was unprofessional.

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.*

BWV disproved the Complainant’s allegation. It showed NE#1 being professional throughout his interaction with the Complainant. NE#1 attentively listened to the Complainant’s account, asked clarifying questions, proposed alternatives like seeking an anti-harassment protection order, and reviewed the Complainant’s pictures from his phone. The Complainant perceived NE#1 as rude and not listening when NE#1 offered an interpretation of the pictures that differed from his own. However, this difference in opinion could not be construed as unprofessional. Overall, NE#1’s conduct was characterized by respect, empathy, and active listening.

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 exhibited racial bias.

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 discernible personal characteristics. *See* SPD Policy 5.140-POL-2.



There was no evidence suggesting that NE#1 refrained from taking police action solely based on race. The Complainant's pictures did not appear to depict any criminal activity. Furthermore, the Complainant could not articulate a factual basis to support the claim that CM#1 and CM#1's associates were affiliated with gangs. Although the Complainant's account suggested a conflict between himself and CM#1, there was insufficient probable cause to establish a crime. Given these circumstances, NE#1 appropriately proposed alternatives, such as seeking an anti-harassment protection order, and documented the incident in a report. Despite differing in his interpretation of the pictures, NE#1 encouraged the Complainant to submit them as evidence. Overall, OPA found no corroboration for the Complainant's claim that NE#1 engaged in racially biased policing.

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

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