



CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 21, 2025

FROM: INTERIM DIRECTOR BONNIE GLENN
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0353

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-10. Employees Will Strive to be Professional	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) searched for an assault suspect, located a vehicle resembling the suspect vehicle's description, and encountered the Complainant and his wife. The Complainant alleged that NE#1 approached his vehicle aggressively and attributed such conduct to racial bias.

ADMINISTRATIVE NOTE:

During its intake investigation, OPA identified NE#1 failing to activate his body-worn video (BWV) when he initially contacted the Complainant. OPA sent NE#1's potential violation of SPD Policy 16.090-POL-2(2) (When Sworn Employees Record Activity) 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 October 4, 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, incident report, and BWV. OPA also interviewed the Complainant.

¹ A Supervisor Action generally involves 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).



On August 25, 2024, CAD call remarks noted a possibly armed female assaulting another female and dragging her across the street. The CAD call was designated as a priority one call. CAD noted the suspect's physical features and provided a vehicle description, which was identified as a black SUV with yellow fog lights. CAD later noted that a male was a possible suspect. CAD also noted, victim was wearing a "white jumpsuit". BWV captured NE#1 parking his police vehicle in an alley adjacent to an apartment.² NE#1 then approached the Complainant, who was near a black SUV being driven in reverse by the Complainant's wife. NE#1 asked whether the Complainant's wife was in labor, to which the Complainant responded that there was no cause for concern and that she was fine. NE#1 further questioned the ownership of the black SUV, and the Complainant explained that he and his wife were simply parking their vehicle. NE#1 looked inside the vehicle and from the slightly rolled down window and observed a white piece of clothing in the back seat. The Complainant asked why NE#1 was harassing him. When NE#1 asked if they had called the police, they replied no. NE#1 disengaged from the encounter. As NE#1 returned to his police vehicle, the Complainant accused NE#1 of being "racist." NE#1 then deactivated his BWV.

NE#1's incident report detailed the following encounter after NE#1 entered his police vehicle. The Complainant approached and asked for NE#1's name and badge number, which he supplied. NE#1 then asked whether the Complainant wished to speak with a supervisor, but the Complainant did not respond, instructed him to leave, and accused him of being racist. NE#1 drove away to de-escalate the situation.

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 conduct was motivated by 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.

The evidence showed that NE#1 was searching for a vehicle matching the suspect's vehicle. NE#1 initially believed his suspicion was dispelled but returned to further investigate, especially after CAD updated the suspect's description to include a possible male subject. NE#1 also returned to the scene due to other potential matching features relayed by CAD. Following a brief encounter with the Complainant and his wife, which did not lead to any detainment, NE#1 disengaged and departed the area. Overall, OPA found no evidence supporting the claim of race-based mistreatment.

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

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

² NE#1's incident report stated that he previously contacted the Complainant at this location. The Complainant reported that his wife was in labor. NE#1 wrote that he departed because the headlights of the black SUV were inconsistent with the description provided by dispatch. NE#1 wrote that he later returned to investigate further due to other potential matching features.



Named Employee #1 – Allegation #2

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

The Complainant alleged that NE#1 approached his vehicle aggressively.

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.* Employees will avoid unnecessary escalation of events, even if those events do not end in reportable uses of force. *Id.* Any time employees represent the Department or identify themselves as police officers or Department employees, they will not use profanity directed as an insult or any language that is derogatory, contemptuous, or disrespectful toward anyone. *Id.*

In review of body-worn video, NE#1 did not appear to engage the Complainant and his wife in an aggressive manner. Rather, the evidence showed that NE#1 reacted to several 911 calls reporting an assault. NE#1 appeared to be focused on identifying a suspect, which necessitated either confirming or ruling out the Complainant and his wife as potential suspects. The encounter was brief and conducted professionally.

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

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