



CLOSED CASE SUMMARY

ISSUED DATE: MARCH 28, 2025

FROM: INTERIM DEPUTY DIRECTOR NELSON R. LEESE (ON BEHALF OF INTERIM DIRECTOR BONNIE GLENN)
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0427

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)

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:

The named employees (NE#1 and NE#2) arrested Community Member #1 (CM#1) for assault and harassment. CM#1 alleged that the named employees arrested him based on racial and gender bias.

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 December 9, 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), incident report, and photograph. OPA was unable to reach CM#1 for an interview.

On November 2, 2024, CAD call remarks noted a person reporting a disturbance. BWV captured the named employees arriving outside an apartment building and contacting CM#1 and Community Member #2 (CM#2), a female friend. CM#1 said he had been stabbed in the arm but declined to identify the assailant. CM#1's responses to NE#1's inquiries about the incident were unclear, and he declined medical assistance. NE#1 eventually Mirandized CM#1. CM#2 reported that CM#1's injury resulted from a fall but later implied that he had been involved in a confrontation with Community Member #3 (CM#3), a male friend. The named employees proceeded to CM#3's unit and interviewed



CM#3. CM#3 reported that he asked CM#1 to leave his unit due to a personal insult, which provoked CM#1 to react angrily and intentionally injure himself with a knife. CM#3 reported that CM#1 choked him while he was trying to physically remove CM#1. The named employees observed red marks on CM#3's neck. CM#3 also reported that CM#1 threatened to have him "gunned down." The named employees were unable to locate the knife. NE#1 returned to CM#1, offering him one last opportunity to recount his version of the incident, but CM#1 declined. NE#1 Mirandized CM#1 again and then transported him to the East Precinct, where CM#1 claimed that had he been a white female, not a Black male, he would not have been arrested.

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

CM#1 alleged that the named employees arrested him based on racial and gender 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 or gender. *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.

OPA found no evidence suggesting racial or gender bias impacted the named employees' investigation into this incident. They attempted to gather statements from all relevant parties and offered CM#1 several opportunities to share his account, despite his lack of cooperation. CM#1 declined to identify his purported assailant. They also examined the physical injuries at the scene and believed the injuries were consistent with CM#3's account. Based on their investigation, the named employees established sufficient probable cause for assault, justifying CM#1's arrest.

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 articulated in Named Employee #1 – Allegation #1, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

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