



CLOSED CASE SUMMARY

ISSUED DATE: MAY 20, 2025

FROM: INTERIM DIRECTOR BONNIE GLENN
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0453

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
# 2	5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional	Not Sustained - Unfounded

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
# 2	5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional	Not Sustained - Unfounded
# 3	6.180 – Searches-General, 1. Officers May Only Make Searches Pursuant to a Search Warrant, Unless a Specific Exception Applies	Not Sustained - Training Referral

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 the Complainant for assaulting Community Member #1 (CM#1). The Complainant alleged that the named employees were racially biased against him by favoring CM#1 and acted unprofessionally by confiscating his apartment keys and giving them to CM#1. The Complainant also alleged that NE#2 searched his apartment without consent.

ADMINISTRATIVE NOTE:

On April 25, 2025, the Office of Inspector General (OIG) certified OPA's investigation as thorough, timely, and objective.



SUMMARY OF INVESTIGATION:

A. OPA Complaint

On December 3, 2024, OIG forwarded a complaint to OPA, in which the Complainant reported an incident involving CM#1. The Complainant wrote that he was arrested following a conversation between the police and CM#1, during which his keys were given to CM#1. The Complainant wrote that upon his release, he found his apartment damaged and his belongings missing.

OPA investigated the complaint by reviewing body-worn video (BWV), in-car-video (ICV), incident and supplement reports, and photographs. OPA also interviewed the Complainant and named employees.

B. Body-Worn Video (BWV)

BWV captured the following:

On November 15, 2024, NE#1, along with other SPD officers, responded to an apartment, where they interviewed CM#1 in the lobby.¹ Simultaneously, another officer separately interviewed Community Member #2 (CM#2)—a mutual friend—in the lobby. CM#1 reported that he lived with the Complainant in his apartment for the past year, had moved out, and had recently returned for a few days. CM#1 said his name was not included in the lease and that he no longer lived there, though he mentioned that his clothing and mail were still at the apartment and that he visited every other day. CM#1 admitted that he, the Complainant, and CM#2 had used narcotics. CM#1 reported a financial dispute with the Complainant, which escalated to the Complainant charging him with a bookend, biting his ear, and choking him with a wire. CM#1 said he and CM#2 managed to push the Complainant away. CM#1 claimed that the Complainant chased after him with a knife and then went downstairs wielding a screwdriver, threatening him and CM#2. CM#1 expressed concern about a possible sexually transmitted disease (STD) contraction.

NE#1 discussed the incident with another officer, who told NE#1 that the apartment belonged to the Complainant, not CM#1, so NE#1 should consider obtaining a warrant for entry. The officer who had interviewed CM#2 summarized CM#2's account, which was consistent with CM#1's account. NE#1 reapproached CM#1, who declined a hospital visit. CM#1 said he would require hospitalization if he was unable to retrieve his medication from the Complainant's apartment. An officer photographed CM#1's injuries.² Officers then arrested CM#2 for an unrelated felony warrant. CM#1 told the officers that he did not have keys to the Complainant's apartment but needed to retrieve his medication, wallet, and bag from there. The officers discussed contacting the Complainant to request his presence in the lobby for his account. One officer mentioned that should the Complainant refuse and not permit the officers to enter the apartment, despite CM#1's belongings being inside, they would be required to obtain a warrant.

NE#2 arrived at the apartment lobby. The officers formed a contact team and approached the Complainant's apartment. Upon the officers' request, the Complainant exited the apartment and was subsequently handcuffed. NE#1 asked whether the officers could enter. The Complainant appeared to say, "No, but if you want to, it's up to you," although his reply was not entirely clear. NE#2 said she would assist CM#1 in retrieving his belongings. NE#1

¹ According to NE#1's incident report, computer-aided dispatch call remarks noted that the Complainant bit CM#1's ear and grabbed CM#1's neck, that CM#1 was in the apartment lobby and requested assistance in retrieving his belongings but declined medical assistance, and that the Complainant was in his apartment and brandished a knife.

² Photographs showed bloody injuries on CM#1's right ear and right wrist.



Mirandized the Complainant and escorted him to the front of a patrol vehicle, where he was searched. NE#1 placed the Complainant's items on the hood of the patrol vehicle.³ The Complainant claimed that CM#1 initiated the assault by punching his left eye and tackling him.⁴ The Complainant also claimed that he bit CM#1's ear in self-defense.

NE#2, along with a backing officer, remained at the entrance of the Complainant's apartment with the door ajar. CM#1 arrived and entered, followed by NE#2. The apartment was in disarray. As CM#1 collected his belongings, he said he still "technically" lived there and mentioned that his belongings were still present. CM#1 said he lived there since October 2023, had moved out, and had returned for the past few days. NE#2 asked about how the Complainant intended to transmit an STD to CM#1. CM#1 replied that the Complainant had threatened to either bite him or stab him with a needle. NE#2 then asked whether the Complainant had human immunodeficiency virus (HIV). CM#1 replied that the Complainant had claimed to have it. NE#2 remarked, "Well, let me see," entered the bathroom, and opened the medicine cabinet behind the mirror. After finding no medication, NE#2 exited the apartment. NE#2 and the backing officer told CM#1 that he could request a civil standby to retrieve all his belongings. CM#1 exited with a suitcase, plastic bag, and a backpack. While in the elevator, CM#1 recalled that he had forgotten to take one bag. NE#2 said the apartment was locked. CM#1 said he could return later since he had the key at his other residence. CM#1 was given a business card before departing the building.

C. OPA Interviews

Complainant

On December 27 and 30, 2024, OPA interviewed the Complainant. Initially, he said officers retrieved his keys and placed them on the hood of a patrol vehicle but suggested they or someone else gave them to CM#1, although he acknowledged that he did not see any officer give them to CM#1. Later, he said he may have left his keys on a hook in his apartment, but he did not see them during his review of NE#2's BWV. He acknowledged that the items taken from him following his arrest were returned upon his release from jail. He alleged that he was arrested because the named employees believed CM#1, a white male, over him, a Black male. He also alleged that NE#2 unlawfully searched his apartment without consent.

Named Employee #1

On March 12, 2025, OPA interviewed NE#1. He said probable cause for the Complainant's arrest was predicated on CM#1's and CM#2's accounts, which were generally consistent, and CM#1's physical injuries, which appeared to indicate defensive wounds. He mentioned that he established probable cause before he encountered the Complainant. He did not recall taking keys from the Complainant or discussing keys with the other officers.

Named Employee #2

On March 17, 2025, OPA interviewed NE#2. She said probable cause for the Complainant's arrest was established before her arrival. She said she was unaware of any facts dispelling probable cause after her arrival. She said she did not see keys inside the Complainant's apartment, nor did she hear any discussions regarding the keys. She said she accompanied CM#1 into the Complainant's apartment for a civil standby. She recalled CM#1 mentioning that the Complainant had an STD or HIV, so she began searching for medication in the bathroom's medicine cabinet. She justified this warrantless search by citing exigent circumstances, as CM#1 might have required hospitalization. She also mentioned that the medication could be relevant to the Complainant's charges if he intended to transmit a

³ NE#1 did not appear to remove keys from the Complainant, although BWV and ICV were inconclusive on this matter.

⁴ NE#1's incident report stated that the Complainant exhibited bloodshot and glossy eyes, with the left eye being significantly redder. A photograph showed the Complainant's face, highlighting the redness of the left eye.



communicable disease. She said her 19-year experience as a pharmacy technician before becoming a police officer equipped her with the knowledge of what medication to seek.

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 him in favor of 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.

This allegation is unfounded. The named employees had sufficient probable cause to arrest the Complainant for assault based on two consistent accounts—one from a white male (CM#1) and another from a Black male (CM#2)—along with observable physical injuries. Although the Complainant also appeared to have sustained an injury, CM#1’s injuries were more pronounced and, according to NE#1, suggested defensive wounds, indicating that the Complainant was likely the initial aggressor. Moreover, the named employees had sufficient probable cause for harassment, as CM#1 and CM#2 independently reported that the Complainant threatened them with either a knife or a screwdriver. The named employees established probable cause before they engaged the Complainant, undermining his claim that race impacted their decision to arrest him. Overall, OPA found no evidence supporting the Complainant’s interpretation of race-based mistreatment.

Accordingly, OPA recommends that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained – Unfounded**

Named Employee #1 – Allegation #2

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

The Complainant alleged that the named employees confiscated his apartment keys and gave them to CM#1.

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.*

There was no evidence that the Complainant’s keys were ever found, either during the search conducted at the time of his arrest near a patrol vehicle or within his apartment. BWV and ICV did not appear to show his keys—a fact that the Complainant acknowledged to OPA. CM#1 could have accessed the Complainant’s apartment, as he was recorded on BWV stating that he had a key at his other residence. Moreover, the Complainant told an officer that his neighbor had a spare key, suggesting that the neighbor could have accessed the apartment as well. Ultimately, OPA found no evidence indicating that either named employee provided CM#1 with keys to the apartment.



Accordingly, OPA recommends that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained – Unfounded**

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 that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained – Unfounded**

Named Employee #2 – Allegation #2

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

For the reasons articulated in Named Employee #1 – Allegation #2, OPA recommends that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained – Unfounded**

Named Employee #2 – Allegation #3

6.180 – Searches-General, 1. Officers May Only Make Searches Pursuant to a Search Warrant, Unless a Specific Exception Applies

The Complainant alleged that NE#2 unlawfully searched his apartment.

Officers are prohibited from searching without a valid search warrant unless a specific exception applies. SPD Policy 6.180(1). Third-party consents are valid under certain conditions. SPD Policy 6.180-POL-2(3). Consent is valid if the third person has equal authority over the business or residence, and it can be concluded that the absent person assumed the risk that the cohabitant (roommate) might permit a search. *Id.* All cohabitants (roommates) or business partners who are present must affirmatively provide their consent prior to the search. *Id.* Consent to search is not allowed if one cohabitant or business partner objects to the consent, even if another person gives permission. *Id.*

There were questionable facts supporting NE#2's warrantless entry of the Complainant's apartment when NE#1 asked the Complainant, "... if officers can go inside the apartment." The Complainant stated, "no, but if you want to, it's up to you." Also, the lease was in the Complainant's name and CM#1 had secured another apartment. Furthermore, the Complainant told CM#1 to get out that evening, which is undisputed, "get out ... get out." Therefore, OPA finds the Complainant had revoked CM#1's rights.

NE#2 could have asked the Complainant for permission to obtain CM#1's property, but did not. NE#2 stated she wanted to facilitate CM#1 gathering his property from the apartment, as he had recently resided there for several days and needed personal belongings to include his seizure medication. NE#2's search of the closed medicine cabinet was questionable, although, well intended. Furthermore, the search was brief and limited in scope, as NE#2 exited the apartment immediately after failing to locate any HIV medication in the bathroom. In good faith, NE#2 believed CM#1 may have required immediate hospitalization due to a possible HIV exposure; however, she could have sent



him to the hospital and/or obtained a warrant. Also, in review of exigent circumstances under SPD Policy 6.180-POL-3, none of these factors applied in this matter.⁵ Based on the totality of the circumstances, OPA does not find a willful violation; however, a training referral is warranted.

Accordingly, OPA recommends that this allegation be Not Sustained – Training Referral.

- **Required Training:** NE#2's chain of command should discuss OPA's findings with her, review SPD Policies 6.180-POL-1 (Community Caretaking Searches), 6.180-POL-2 (Consent Searches), and 6.180-POL-3 (Exigent Circumstances Searches) with her, and provide any other retraining and counseling it deems necessary. Any retraining and counseling should be documented and maintained in Blue Team.

Recommended Finding: **Not Sustained – Training Referral**

⁵ See 6.180-POL-3 Exigent Circumstance Searches.