



CLOSED CASE SUMMARY

ISSUED DATE: JUNE 20, 2018

CASE NUMBER: 2018OPA-0024

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.140 - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing	Not Sustained (Unfounded)
# 2	15.180 - Primary Investigations 5. Officers Shall Document all Primary Investigations on a General Offense Report	Not Sustained (Unfounded)

Named Employee #2

Allegation(s):		Director’s Findings
# 1	5.140 - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing	Not Sustained (Unfounded)

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 Complainant alleged that Named Employee #1’s police report contained inconsistencies. The Complainant further alleged that both Named Employees were biased towards her because of her race and accent.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.140 - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing

The Named Employees responded to a collision. The collision occurred at a controlled intersection, where the Complainant had a stop sign and the other driver did not have any signs. The Complainant’s vehicle was struck by the other vehicle. A review of Department video indicated that Named Employee #1 (NE#1) asked the Complainant if she was okay and asked her if she felt like she was hurt. She told him that her son was hurt and that he had pain in his legs. NE#1 then asked the Complainant if she had lost consciousness, if she was wearing a seatbelt, how fast she was going, and if she remembered everything that happened. The Complainant told NE#1 that her neck and back hurt. NE#1 also spoke to the Complainant’s son about his injuries and the Complainant’s son mentioned his legs and ribs.

Complainant stated that she had concerns regarding NE#1’s report. She said that she exchanged emails with NE#1 about these concerns and how she felt the investigation was inadequate. With regard to the alleged investigative deficiencies, she stated that the Named Employees did not go to the hospital to contact her for follow up. She



further contended that NE#1's report contained inaccurate information concerning the deployment of her airbags and included incorrect insurance information for her.

The Complainant stated that she felt that the Named Employees conducted an inadequate investigation into this incident because of her Hispanic descent and her accent.

SPD policy prohibits biased policing, which it defines as "the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws as well other discernible personal characteristics of an individual." (SPD Policy 5.140.) This includes different treatment based on the race of the subject. (*See id.*)

From my review of the record, I do not find any evidence indicating that the Named Employees engaged in biased policing. The questions they asked of the Complainant were appropriate and those that any reasonable officer would have asked in similar circumstances. Moreover, while I find that NE#1's investigation was substantially adequate, he did make several errors in his reporting. However, those errors were timely corrected and a supplemental report was generated. NE#1 was responsive to the Complainant when she sent him emails concerning this matter and even told her how she could contest the citation that she was issued.

For these reasons, and given the absence of any indication of biased policing on the part of NE#1, I recommend that this allegation be Not Sustained – Unfounded as against him.

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

Named Employee #1 - Allegation #2

15.180 - Primary Investigations 5. Officers Shall Document all Primary Investigations on a General Offense Report

SPD Policy 15.180-POL-5 requires that officers document all primary investigations on a General Offense Report. The policy further states that such reports must be "complete, thorough and accurate." (SPD Policy 15.180-POL-5.) While NE#1 properly generated a General Offense Report, the Complainant contended that this report was not complete, thorough, and accurate.

As a general matter, I find that NE#1's General Offense Report complied with policy. While there were some errors in the report, he corrected those errors when they were flagged by the Complainant. This is reflected both in their email exchanges and in the supplemental report that he generated.

I further note that, at the time of the incident, NE#1 was a student officer. Thus, such mistakes from him were understandable, if not expected.

For these reasons, I find that NE#1's conduct and report were substantially consistent with policy. As such, I recommend that this allegation be Not Sustained – Unfounded.

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



Named Employee #2 - Allegation #1

5.140 - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing

On the date in question, Named Employee #2 (NE#2) was NE#1's Field Training Officer. In that role, NE#2 was NE#1's supervisor. For the same reasons as stated above, I find no evidence that NE#2 engaged in biased policing. As such, I recommend that this allegation be Not Sustained – Unfounded.

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