



## CLOSED CASE SUMMARY

ISSUED DATE: OCTOBER 22, 2018

CASE NUMBER: 2018OPA-0390

### Allegations of Misconduct & Director’s Findings

#### Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 10. Employees Shall Strive to be Professional	Not Sustained (Unfounded)
# 2	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 the Named Employee was unprofessional towards him and subjected him to biased policing.

#### ANALYSIS AND CONCLUSIONS:

##### **Named Employee #1 - Allegations #1**

##### ***5.001 - Standards and Duties 10. Employees Shall Strive to be Professional***

The Complainant called the police to report that he had been assaulted while working on a construction site. He stated that the contractor, who was on a scaffolding, threw a pulley down at the Complainant, purposefully hitting him on the head. The Complainant received medical attention on that day. The medical exam showed no loss of consciousness, not breaking of the skin, no bruising, and no discoloration. The report noted the following: “PT was more concerned with the fact that his co-worker purposefully threw a metal pulley at his head.”

The following day, the Complainant went to a medical provider. He called the police from that location and Named Employee #1 (NE#1) responded. The interaction between the Complainant and NE#1 lasted for approximately ten minutes. During that time, the Complainant reported his allegations and NE#1 asked him follow up questions. NE#1 ultimately informed him that a report would be written and gave him a business card with the case number on it. NE#1 also provided the Complainant with some advice on resolving his current residential issues and how to address the contractor with his employer. The Complainant thanked NE#1 to which NE#1 said “good luck to you,” NE#1 then left the scene.

After their interaction concluded, the Complainant contacted the Southwest Precinct and spoke to a Sergeant. He told the Sergeant that NE#1 was “acting in a manner that seemed racially condescending to him” and that NE#1 “did not take him seriously” because he is African-American and NE#1 is White. Based on these allegations, the Sergeant referred this mater to OPA and this investigation ensued.



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As part of its investigation, OPA attempted to interview the Complainant. However, the Complainant did not respond to OPA.

OPA interviewed NE#1 who denied engaging in biased policing or acting unprofessionally. NE#1 stated that he believed that their interaction was “pleasant and professional” and that he conducted a thorough investigation.

SPD Policy 5.001-POL-10 requires that SPD employees “strive to be professional at all times.” The policy further instructs that “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers.” (SPD Policy 5.001-POL-10.) The policy further states the following: “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 any person.” (*Id.*) Lastly, the policy instructs Department employees to “avoid unnecessary escalation of events even if those events do not end in reportable uses of force.” (*Id.*)

The entirety of NE#1’s interaction with the Complainant was captured by Body Worn Video (BWV). The video conclusively establishes that NE#1 was not unprofessional at any point during his interaction with the Complainant. Indeed, the video showed the opposite; namely, that NE#1 was polite, professional, and attempted to assist the Complainant to the best of his ability. For these reasons, I recommend that this allegation be Not Sustained – Unfounded.

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

**Named Employee #1 - Allegation #2**

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

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.*)

As discussed above, the entirety of NE#1’s interaction with the Complainant was captured by BWV. The BWV reveals no evidence of any bias on the part of NE#1. Instead, NE#1 appears to act appropriately and consistent with policy. Accordingly, I recommend that this allegation be Not Sustained – Unfounded.

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