



CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 18, 2019

CASE NUMBER: 2018OPA-0571

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) |

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) |

Named Employee #3

| Allegation(s): | | Director’s Findings |
|----------------|---|---------------------------|
| # 1 | 5.140 - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing | Not Sustained (Unfounded) |
| # 2 | 5.002 - Responsibilities of Employees Concerning Alleged Policy Violations 2. Employees Will Assist Any Person Who Wishes to File a Complaint | Sustained |

Imposed Discipline

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| Oral Reprimand |
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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 Employees treated him with bias when he called 911 and spoke with them. It was further alleged that Named Employee #3 may have failed to report misconduct and to notify a supervisor of the Complainant’s bias allegation.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

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

The Complainant stated that he called 911 multiple times after his son was taken from his home by a grandparent without the Complainant’s permission. He asserted that he was treated dismissively by three of the 911 operators that he spoke with. He further alleged that the three 911 operators treated him in a biased manner.

OPA identified Named Employee #1 (NE#1) as the operator on the Complainant’s second call, Named Employee #2 (NE#2) as the operator on the Complainant’s fourth call, and Named Employee #3 (NE#3) as the operator on the



Complainant's fifth call. OPA further reviewed all of the 911 recordings of the Complainant's phone calls. There was, at times, confusion between the operators and the Complainant. Further, NE#2 told the Complainant that officers had not responded because they were busy dealing with "life threatening emergencies." The Complainant grew upset by that comment and questioned whether the taking of his child without his permission was not an emergency. NE#2 responded that the Complainant's son was "just as important" and unsuccessfully tried to convince the Complainant that she was not trying to diminish the significance of his call.

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.*)

Based on OPA's review of the evidence, including the 911 calls audio and the interviews of the parties, OPA finds that the Named Employees did not engage in biased policing during this incident. While I recognize that the Complainant was very concerned about the status of his son and did not feel that he was receiving optimal service from SPD, this was not based on his race. It was instead based on a large number of other high priority calls that officers were required to respond to. Moreover, while NE#2 may have been able to more artfully convey why the Department's response to the Complainant's call was slow, her statement did not constitute bias in any respect.

For these reasons, I recommend that this allegation be Not Sustained – Unfounded as against all of the Named Employees.

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

Named Employee #2 - Allegations #1

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

For the same reasons as stated above (*see* Named Employee #1, Allegation #1), I recommend that this allegation be Not Sustained – Unfounded.

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

Named Employee #3 - Allegations #1

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

For the same reasons as stated above (*see* Named Employee #1, Allegation #1), I recommend that this allegation be Not Sustained – Unfounded.

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

Named Employee #3 - Allegation #2

5.002 - Responsibilities of Employees Concerning Alleged Policy Violations 2. Employees Will Assist Any Person Who Wishes to File a Complaint



When he spoke to NE#3, the Complainant explicitly alleged that he had been treated with bias by other 911 operators. Specifically, he stated that he felt that he was being “discriminated against.” The Complainant also told NE#3 that he wanted to speak with a supervisor.

In response to the Complainant’s claim of bias, NE#3 responded: “Oh no, that’s not it at all. They’re extremely busy.” She further did not relay the Complainant’s allegation to a supervisor or report it to OPA. Moreover, NE#3 did not connect the Complainant with a supervisor, as he requested, or take the Complainant’s contact information and have a supervisor call him back. NE#3 told OPA that she did not do so because she believed that the Complainant appeared to be content at the conclusion of the call.

SPD Policy 5.002-POL-2 states that “employees will assist the complainant by taking the complaint and passing it on to a supervisor or OPA.” Here, NE#3 received a complaint of biased policing and further was aware of the Complainant’s request to speak with a supervisor. However, NE#3 neither relayed the complaint to a supervisor and/or OPA nor put the Complainant in contact with a supervisor. Whether or not NE#3 legitimately believed that the Complainant was satisfied as the end of their conversation, she was aware of an allegation of serious misconduct and was required to take action. I further note that the Complainant was evidently not satisfied at the conclusion of their call as he later filed this OPA complaint.

When NE#3 took no action to report the Complainant’s allegation of bias, she violated clearly established policy and prevented the allegation from being thoroughly investigated. For these reasons, I recommend that this allegation be Sustained.

Recommended Finding: **Sustained**