



CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 13, 2019

CASE NUMBER: 2018OPA-0686

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

On July 21, 2018, the Complainant called 911 to report that his son was missing. The Named Employee and her partner were dispatched to respond to the call. The Complainant alleged that the Named Employee was confrontational and rude. The Complainant further alleged that the Named Employee treated him and the situation differently because the Complainant’s missing son is autistic.

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the OPA Auditor’s review and approval, believed that it could reach and issue recommended findings based solely on its intake investigation and without interviewing the Named Employee. As such, the Named Employee were not interviewed as part of this case.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

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

On July 21, 2018, the Complainant called the police to report a missing person. Named Employee #1 (NE#1) and her partner responded to the call. When NE#1 and her partner arrived, they encountered the Complainant when he opened the front door to his home. Both officers activated their Body Worn Video (BWV) systems and were recording when the Complainant answered the front door. Immediately after doing so, NE#1 informed the Complainant that the officers were video and audio recording, and the Complainant responded by informing them that he did not want to be recorded. Shortly thereafter, the officers turned off their BWV cameras and stopped recording.

The Complainant alleged that NE#1 immediately became “gruff” in her tone of voice in response to the Complainant’s request not to be recorded. According to the Complainant, NE#1 then “angrily shouted” when asking for his name, and then asked the Complainant whether his parents knew where the Complainant “was at.” The



Complainant told NE#1 that he is a 52-year-old, and that the missing person that he called about is his 16-year-old Filipino son with borderline autism. The Complainant alleged that NE#1 “immediately became overwhelmingly confrontational” and assumed that she was responding to a criminal matter, instead of helping to locate a missing boy. The Complainant believes that NE#1’s assumption about there being a criminal component to the Complainant’s call was based on her biased treatment of autistic people. In referring to the overall response by NE#1, the Complainant stated that, “Kindness should be the rule not violent anger from police.”

In his complaint, the Complainant referred to NE#1 by her partner’s name. OPA was able to identify the correct Named Employee based on the fact that the Complainant identified NE#1 as a female, and because the available BWV footage captured the initial interactions between NE#1 and the Complainant. The Complainant did not make any allegations against NE#1’s partner.

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.) If, as the Complainant alleged, that the Named Employee treated him or the situation differently based on the Complainant’s son being autistic, it would have been a violation of SPD policy.

OPA reviewed the available police reports associated with this incident. The narrative was completed by NE#1. The information contained in NE#1’s report appeared thorough, and there was no indication of bias or unprofessionalism in what NE#1 wrote.

In terms of available audio and video evidence, OPA’s investigation was somewhat limited in this regard. After the officers arrived at the front door of the Complainant’s home, the Complainant told them that he did not want to be recorded, and shortly thereafter, the officers turned off their BWV cameras. OPA believes that its review and analysis of this case would have benefited from having BWV of the entire interaction; however, the BWV that captured the initial interaction along with the audio transmissions from the officers’ In-Car Video system (ICV) provided OPA with sufficient independent evidence to make a finding.

In the BWV, NE#1 is seen and heard interacting with the Complainant immediately after he opened his front door, and nothing about the tone of NE#1 voice or what she communicated supports the Complainant’s allegation that NE#1 “immediately became overwhelmingly confrontational” and “angrily shouted” when NE#1 asked for the Complainant’s name. The BWV was also recording when NE#1 asked whether the Complainant’s mother was home. Though OPA acknowledges that the question may have been somewhat confusing to the Complainant because of the Complainant’s age, NE#1 never shouted that question, as he stated in his complaint. Furthermore, after NE#1 asked that question, NE#1 appeared contrite and immediately complied with the Complainant’s request not to be recorded by turning off her BWV camera.

With regard to the ICV, the only evidence of value was the audio transmissions. The quality of those transmissions was negatively impacted by the distance that the officers were away from their vehicle; however, NE#1 is heard communicating with the Complainant as she exited the Complainant’s home. In those communications, nothing in the tone of NE#1’s voice or the statements she made supports the Complainant’s allegations.



Based on OPA's review of the evidence, there is no indication that NE#1 engaged in biased policing. NE#1 responded to a call for service related to the Complainant's missing child and followed SPD policies and procedures in doing so. That there was no bias on the part of NE#1 is further confirmed by video and audio evidence, even if limited. For these reasons, I recommend that this allegation be Not Sustained – Unfounded against NE#1.

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

Named Employee #1 - Allegation #2

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

SPD Policy 5.001-POL-9 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-9.) 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.*) If, as the Complainant alleged, that the Named Employee was confrontational and rude to the Complainant it would have been a violation of SPD policy.

As discussed above, there is no indication from the evidence in the record that NE#1 was rude or acted unprofessionally. NE#1 responded to a call for service related to the Complainant's missing child and followed SPD policies and procedures in doing so. That there was no unprofessionalism or rude behavior by NE#1 is further confirmed by the limited BWV and audio from the ICV. For these reasons, I recommend that this allegation be Not Sustained – Unfounded against NE#1.

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