



## CLOSED CASE SUMMARY

ISSUED DATE: MARCH 7, 2018

CASE NUMBER: 2017OPA-0963

### Allegations of Misconduct & Director’s Findings

#### Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 9. Employees Shall Strive to be Professional at all Times	Not Sustained (Unfounded)
# 2	8.100 - De-Escalation 1. When Safe under the Totality of the Circumstances and Time and Circumstances Permit, Officers Shall Use De-Escalation Tactics in Order to Reduce the Need for Force	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 pulled over the Complainant for a bike helmet violation and deliberately escalated the situation by making jokes about the Complainant in an attempt to make him mad.

#### ANALYSIS AND CONCLUSIONS:

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

##### ***5.001 - Standards and Duties 9. Employees Shall Strive to be Professional at all Times***

Named Employee #1 (NE#1) (along with other bicycle officers) stopped the Complainant for riding a bicycle without a helmet. The Complainant felt as if NE#1 was being confrontational (by making jokes about him) and that NE#1 called him smug. The Complainant further stated that NE#1 told the Complainant that he was making NE#1 nervous when the Complainant got off of his bike. The Complainant felt as if NE#1 did not use any de-escalation techniques. The Complainant was issued a citation for not wearing a bicycle helmet. In addition to issuing the Complainant a citation, NE#1 wrote a street check in which he stated that he gave the Complainant the choice of receiving the citation or a warning, and the Complainant chose to receive the citation. The street check alluded to the Complainant being hostile and detailed an involved conversation between NE#1 and the Complainant regarding the state of policing.

OPA interviewed two other bicycle officers, and they each stated that NE#1 did not say the things that the Complainant claimed and that they did not believe that NE#1 was unprofessional. One bicycle officer stated that it was the Complainant who was being confrontational.

After reviewing the evidence in this case, I find it insufficient to establish that NE#1 engaged in unprofessionalism in this instance. As such, I recommend that this allegation be Not Sustained – Unfounded.



---

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

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

***8.100 - De-Escalation 1. When Safe under the Totality of the Circumstances and Time and Circumstances Permit, Officers Shall Use De-Escalation Tactics in Order to Reduce the Need for Force***

As with the above, I similarly find that there is insufficient evidence to establish the NE#1 failed to de-escalate this incident.

Based on the record, NE#1 appeared to attempt to engage the Complainant in a conversation, which was documented in the street check. Both he and the other bicycle officers interviewed by OPA indicated that, while NE#1 attempted to de-escalate the situation, the Complainant was hostile during their interaction. Notably, the Complainant, himself, recounted stating at one point: "I know what, I know you are not going to do anything to me. I am a white person." Lastly, I note that NE#1 reported offering the Complainant the choice between a warning and a citation (which was warranted under the circumstances of this case), with the Complainant opting for the citation.

For these reasons, I do not believe that the evidence demonstrates that NE#1 failed to properly de-escalate in this instance. As such, I recommend that this allegation be Not Sustained – Unfounded.

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