



## CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 27, 2018

CASE NUMBER: 2017OPA-0934

### 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	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's conduct was unprofessional. The Complainant also alleged that the Named Employee allowed the Complainant's son to enter the Complainant's bedroom, as well as bathroom, which allowed the Complainant's son to steal the Complainant's earrings.

#### **ANALYSIS AND CONCLUSIONS:**

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

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

The Complainant stated that Named Employee #1 (NE#1) treated her poorly. NE#1 was called to retrieve the belongings of the Complainant’s son and remove them from her residence. When the Complainant gave NE#1 consent to remove the items, she raised with NE#1 an issue of money that her son owed her. The Complainant reported that NE#1 stated in response: “don’t start up with that, we are focusing on him getting his stuff out”. The Complainant also stated that NE#1 was rude. She said that NE#1 told her to be quiet and not to bring anything up. The Complainant said that NE#1 yelled at her and made her feel as if she couldn’t say anything.

After reviewing the relevant portions of the In-Car Video (ICV) and the Complainant’s statement, I find that NE#1 did have a conversation with the Complainant, listened to her complaints about her son, and talked about the money that she stated that she loaned her son (over a year ago). While NE#1 did not assist the Complainant in recovering money she alleged was owed to her by her son, he did retrieve property from the Complainant’s son that she indicated was hers. NE#1 also discussed with the Complainant her mental health issues after she informed him that she had PTSD caused by her son. During that conversation, the Complainant told NE#1 that she was seeing a grief counselor.

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.)



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Based on my review of the record, I do not find any evidence suggesting that NE#1 was unprofessional in his interaction with the Complainant. While NE#1 did adopt a stern tone of voice with the Complainant after she began repeating herself, he did, in my mind, remain professional even then. Moreover, I note that I find no evidence indicating that NE#1's actions or inactions caused the Complainant's property to be stolen. 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.*)

It is unclear from the complaint filed by the Complainant how NE#1 is alleged to have engaged in biased policing. The Complainant appears to contend that NE#1 favored her son over her. However, this would not, in and of itself constitute biased policing. In a later call to OPA, the Complainant asserted that she felt she was discriminated against because she is a disabled woman. Based on my review of the record, I find this assertion to be unsupported by the evidence. I find no indication from my review that NE#1's actions were influenced by bias.

As such, I recommend that this allegation be Not Sustained – Unfounded.

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