



CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 1, 2020

CASE NUMBER: 2019OPA-0774

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)

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 engaged in biased policing towards a woman who had been in a traffic collision.

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the review and approval of the Office of Inspector General for Public Safety, 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 was not interviewed as part of this case.

During its intake investigation, OPA also determined that, while he was not unprofessional during this incident, Named Employee #1 could have engaged with the driver in a more empathetic manner. This was sent back to the chain of command as a Supervisor Action. OPA further determined that another officer failed to record Body Worn Video. That matter was also sent back for handling by the chain of command as a Supervisor Action.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

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

OPA received a complaint from the employee of a train company who observed Named Employee #1 (NE#1) respond to a collision on the train tracks. The Complainant asserted that NE#1 "belittled" the driver involved in the collision to the point of tears and made "fun of the young lady's intelligence and was purposely rude and unprofessional seeming to delight in making her cry." The Complainant contended that NE#1 was polite to White people but alleged that NE#1 acted with bias towards Asian people, including the driver. The Complainant opined that NE#1's "unprofessional behavior stems from racial animus towards people of Asian heritage."

As a result of this complaint, OPA initiated this investigation. OPA reviewed the In-Car Video and Body Worn Video for this incident. The video showed NE#1's response to this incident and his interaction with the driver.



The video was not consistent with the Complainant's account of the incident. Most notably, it did not appear from the video that NE#1 belittled the driver, made fun of her, or was unduly unprofessional. While NE#1 was undeniably stern with her and lectured her for looking at her phone instead of focusing on the road, this did not violate Department policy. Moreover, at the end of the stop, he recognized how upset she was by the collision and changed his tone, telling her that she was not in trouble and asking if she was okay.

With regard to the Complainant's bias allegation, the video indicates that it is without a basis in fact. Even had NE#1 acted unprofessionally during this incident – which OPA does not find – there is no evidence indicating that this was due to the driver's race. Instead, NE#1's response to this incident was based on the fact that the driver got into an accident on the train tracks because she was focusing on her phone instead of on the road, as well as due to the potential harm this collision could have caused.

Given that OPA finds no evidence supporting a finding of bias, OPA recommends that this allegation be Not Sustained – Unfounded.

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