



CLOSED CASE SUMMARY

ISSUED DATE: OCTOBER 23, 2018

CASE NUMBER: 2018OPA-0403

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)

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)
# 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:

The Complainant alleged that the Named Employees were unprofessional towards him and that he was subjected to biased policing.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

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

The Complainant was arrested by the Named Employees. When a Department Acting Sergeant screened the arrest, the Complainant alleged that the officers were unprofessional towards him and may have engaged in biased policing. When the Acting Sergeant tried to clarify how the Named Employees had engaged in biased policing, the Complainant responded, concerning the law enforcement activity taken by the officers: “Maybe it’s because I’m brown.” When the Acting Sergeant explored this statement, the Complainant walked back his allegation and confirmed that he did not actually believe that his race was the reason for his arrest.

The entirety of the Named Employees’ interaction with the Complainant was captured on Body Worn Video (BWV). From a review of the BWV, there is no evidence of biased policing on the part of the Named Employees. Notably, even had the Complainant not recanted his allegation, this still would have been OPA’s conclusion.



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

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

Named Employee #1 - Allegation #2

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

With regard to his professionalism allegation, the Complainant provided the following examples of the Named Employees' purportedly inappropriate conduct: they were "aggressive" and tried to "implicate him"; they were "really unprofessional in questioning the validity of [the Complainant's] claim"; they had a "completely inappropriate response"; they "did not believe [the Complainant] or give [him] respect"; and were rude to the Complainant based on their "tonality."

From OPA's review of the BWV, the officers were professional and acted appropriately throughout the entirety of their interaction with the Complainant. The Complainant, to the contrary, was intoxicated and, at times, acted aggressively towards the officers. For these reasons, I recommend that this allegation be Not Sustained – Unfounded as against both 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 #2 - Allegation #2

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

For the same reasons as stated above (see Named Employee #1, Allegation #2), I recommend that this allegation be Not Sustained – Unfounded.

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