



## **CLOSED CASE SUMMARY**

ISSUED DATE:     APRIL 17, 2019

CASE NUMBER:    2018OPA-1095

### **Allegations of Misconduct & Director’s Findings**

**Named Employee #1**

<b>Allegation(s):</b>		<b>Director’s Findings</b>
# 1	5.001 - Standards and Duties 10. Employees Shall Strive to be Professional	Not Sustained (Unfounded)
# 2	5.140 - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing	Not Sustained (Unfounded)
# 3	8.200 - Using Force 1. Use of Force: When Authorized	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 Named Employee and his partner were dispatched to a domestic violence incident. The Complainant, who was arrested, alleged that the Named Employee arrested her because of her race. The Complainant further alleged that the Named Employee aggressively grabbed her arm and was unprofessional in his interactions with the Complainant.

#### **ADMINISTRATIVE NOTE:**

This case was designated as an Expedited Investigation. This means that OPA, with the Office of Inspector General’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 was not interviewed as part of this case.

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

##### **Named Employee #1 - Allegations #1**

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

Named Employee #1 (NE#1) and his partner arrested the Complainant for violating a domestic violence protection order. The Complainant expressed her displeasure about being arrested and immediately stated that it was because of her race. As the Complainant was escorted away, she stated that NE#1 was aggressive and squeezed her arm because of her race. NE#1 immediately reported the Complainant’s bias allegation to his supervisor.

When NE#1’s Sergeant arrived on scene and asked the Complainant about her allegations, the Complainant reiterated that she was arrested by NE#1 because of her race. The Complainant then stated that NE#1 treated her like she was a violent criminal and that she was instructed not to move by NE#1 when she was looking for her cellphone battery. In the Sergeant’s report about the Complainant’s allegations, the Sergeant noted that based on



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her review of the Body Worn Video (BWV), she did not observe any misconduct on the part of NE#1 or his partner. The Sergeant also wrote that NE#1 and his partner demonstrated tremendous patience and professionalism during their contact with the Complainant. However, due to the nature of the Complainant's allegations, this matter was referred to OPA and this investigation ensued.

OPA interviewed the Complainant. During her OPA interview, the Complainant stated that NE#1 was aggressive and grabbed her arm like she was a murder suspect. The Complainant stated that NE#1 jerked her around and was generally mean in his interactions with her. She indicated her belief that this was unnecessary.

OPA reviewed the BWV for both NE#1 and his partner and found no evidence that NE#1 treated the Complainant unprofessionally or that he engaged in biased policing. Furthermore, the BWV did not support the Complainant's allegation that NE#1 used excessive force against her when NE#1 held her arm in escorting her or at any other point.

SPD Policy 5.001-POL-10 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." The policy additionally 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.*)

The Complainant's initial contact with NE#1 and other officers, along with her handcuffing, arrest, and subsequent communication with the SPD Sergeant, were fully captured on BWV. The BWV established that the conduct alleged by the Complainant did not occur. The BWV conclusively disproved that NE#1 was unprofessional, that he arrested her based on bias, or that he used excessive force during this incident. For these reasons, I recommend that this allegation, as well as Allegations #2 and #3, 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***

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 #1 - Allegation #3**

***8.200 - Using Force 1. Use of Force: When Authorized***

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)**