



OFFICE OF POLICE ACCOUNTABILITY

Closed Case Summary

Complaint Number 2017OPA-0512

Issued Date: 12/01/2017

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (9) Standards and Duties: Employees Shall Strive to be Professional at all Times (Policy that was issued April 1, 2015)
OPA Finding	Not Sustained (Unfounded)
Allegation #2	<u>Seattle Police Department Manual</u> 5.140 (2) Bias-Free Policing: Officers Will Not Engage in Bias Based Policing (Policy that was issued August 1, 2015)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employee issued the complainant a parking citation

COMPLAINT

The complainant alleged that Named Employee #1 was rude and condescending in their interaction, and that she "had it in for big old white guys" like the complainant.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint
2. Search for and review of all relevant records and other evidence
3. Interview of SPD employee

ANALYSIS AND CONCLUSION

The complainant alleged that he observed Named Employee #1 in the process of writing him a parking citation and he approached her to discuss the citation. The complainant alleged that Named Employee #1 did not look at him, but only continued to enter the citation information into a hand-held device. In his complaint to OPA, the complainant asserted his belief that Named Employee #1 had it out for “big, old, white guys.” The complainant asked Named Employee #1 for a “break,” informing her that he made a low hourly wage, that there was nowhere else for him to park, and that he was only away from his vehicle for a short moment. The complainant told OPA that, in response, Named Employee #1 informed the complainant that she did not choose his profession, that she did not make the choice to park illegally, and that his collective actions were not her fault. In this interaction, Named Employee #1 called the complainant “sir,” but the complainant found the use of this term by Named Employee #1 to have been condescending. The complainant lastly alleged that Named Employee #1 was “obviously hiding” and waiting for a driver that looked like him to cite.

The complainant was interviewed by OPA. During that interview, the complainant reasserted many of his previous allegations, indicating that he was specifically targeted by Named Employee #1. During his recorded interview, the complainant asserted that he “runs like a girl” and that Named Employee #1 viewed him running across the street and, for that reason, she might have treated him disparately because she did not like “big, fat, old, gay white men.”

Named Employee #1 reported that at the time she was issuing the citation to the complainant’s vehicle, the complainant approached her and indicated that he was a food delivery person and asked if she wanted to know how much he made per hour. Named Employee #1 informed the complainant that this information had no bearing on her decision to issue the citation. Named Employee #1 reported that the complainant then told her that he did not make very much money. Named Employee #1 again told the complainant that the amount of money he made was not relevant to her decision to issue the citation. She then left the scene.

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.)

There was no audio recording of the conversation surrounding the citation and the only evidence was the statements provided to OPA by the complainant and Named Employee #1.

Named Employee #1's and the complainant's recounting of their conversation were consistent in part. Both agreed that the complainant asked Named Employee #1 if she wanted to know what his salary was and indicated that he did not make very much money at his work. Both further agreed that Named Employee #1 indicated that this did not impact her decision to issue the citation.

From an analysis of the record, the OPA Director found no evidence suggesting that Named Employee #1 acted unprofessionally. While, based on the complainant's recounting, she perhaps could have been more verbally empathetic to the complainant when he raised his financial circumstances, the complainant was admittedly parked illegally and Named Employee #1 was legally justified in citing his vehicle. There was no obligation on Named Employee #1 to not issue the citation based on the complainant's assertions. The OPA Director further found no evidence establishing that, as the complainant alleged, Named Employee #1 used the term "sir" condescendingly.

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.)

Named Employee #1 reported that, prior to beginning the issuance of the citation, she did not know who the driver of the parked vehicle was, or what that individual's personal characteristics were. Named Employee #1 stated that she did not know what Named Employee #1's sexual orientation was. Named Employee #1 further stated that she was citing the vehicle based on the fact that it was illegally parked and that the citation had nothing to do with the driver.

The OPA Director found no evidence in the record that contradicted Named Employee #1's account. The Director concluded, by a preponderance of the evidence, that the citation was issued because the vehicle was illegally parked, not due to bias.

FINDINGS

Named Employee #1

Allegation #1

The OPA Director found no evidence suggesting that Named Employee #1 acted unprofessionally. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Standards and Duties: Employees Shall Strive to be Professional at all Times*.

Allegation #2

A preponderance of the evidence showed that the citation was issued because the vehicle was illegally parked, not due to bias. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Bias-Free Policing: Officers Will Not Engage in Bias Based Policing*.

NOTE: The Seattle Police Department Manual policies cited for the allegation(s) made for this OPA Investigation are policies that were in effect during the time of the incident. The issued date of the policy is listed.