



CLOSED CASE SUMMARY

ISSUED DATE: AUGUST 28, 2018

CASE NUMBER: 2018OPA-0222

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)
# 3	16.230 - Issuing Tickets and Traffic Contact Reports 2. Officers Identify Themselves During all Detentions	Not Sustained (Training Referral)

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 issued purportedly erroneous infractions, was rude and arrogant towards him, and did not let the Complainant explain the situation. The Complainant further alleged that he felt intimidated and that his civil rights were violated due to the color of his skin. It was lastly alleged that NE#1 may have failed to identify himself during the traffic stop, as is required by policy.

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the OPA Auditor’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 - Allegation #1

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

The Complainant alleged that he was parked on the corner of Broadway and East Pike Street in Capitol Hill when he received two tickets from Named Employee #1 (NE#1). The first ticket was issued because he was parked in the crosswalk. The Complainant contended that he was parked in that location for approximately 10 minutes and that he was only partially blocking the crosswalk with his vehicle. The second ticket was issued for the Complainant not stopping at a red light prior to taking a right turn onto Broadway. In his OPA complaint, the Complainant alleged that both tickets were “ridiculous.” He contended that he felt intimidated by NE#1 during their interaction and that he believed that he was subjected to biased policing based on his skin color.



The interaction between NE#1 and the Complainant and the issuance of the tickets was captured on Department video. The video showed that NE#1 was conducting another stop when he on-viewed the Complainant's driving and parking. NE#1 approached the Complainant's vehicle, which was, at that time, unoccupied. Based on a review of the video, it appeared parked virtually entirely in the crosswalk, not just halfway, and it blocked pedestrians trying to cross the street. The Complainant then returned to his car. NE#1 discussed with him that his vehicle was parked illegally. The Complainant explained that he was trying to get groceries for an elderly client. NE#1 explained that there was a parking lot that served the grocery store and the Complainant stated that he knew and apologized. NE#1 also discussed the Complainant's failure to stop with him. The Complainant explained that he did not come to a complete stop because he saw that the road was "clear on the other side." NE#1 told the Complainant that he was required to come to a full stop at a red light. NE#1 requested the Complainant's license, proof of insurance, and registration. NE#1 returned to his vehicle and later came back to the Complainant with the two citations. NE#1 explained why he was issuing the citations and asked if the Complainant had any questions. The Complainant did not. The interaction then ended and NE#1 left the scene.

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.*)

Based on my review of the record, I find no evidence that NE#1 engaged in biased policing. I further find no evidence that any of the law enforcement action taken against the Complainant was based on his skin color. Instead, I conclude that the Complainant's conduct – specifically, parking in the crosswalk and not completing a full stop before turning right on red – was the basis for the citations he received. I find that those citations were warranted and were appropriately issued by NE#1. For these reasons, I recommend that this allegation be Not Sustained – Unfounded.

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

Named Employee #1 - Allegation #2

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

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." (SPD Policy 5.001-POL-10.)

The Complainant contended that NE#1 was rude and arrogant during their interaction and that he failed to let the Complainant explain his side of the story. However, my review of the video indicates the opposite. I find that NE#1 was polite and professional. I do not see any evidence that NE#1 was rude or arrogant. Moreover, I believe that NE#1 did let the Complainant explain why he did what he did. The information the Complainant provided further buttressed the lawful basis for the citations.

Given the above, I do not believe that NE#1 violated the professionalism policy in any respect during this incident. Accordingly, I recommend that this allegation be Not Sustained – Unfounded.



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

Named Employee #1 - Allegation #3

16.230 - Issuing Tickets and Traffic Contact Reports 2. Officers Identify Themselves During all Detentions

SPD Policy 16.230-POL-2 requires that officers identify themselves when taking law enforcement action during a traffic stop. The policy instructs that this should be done as early in the contact as if safe. (SPD Policy 16.230-POL-2.)

Based on my review of the video, it appears that NE#1 told the Complainant that he was being audio and video recorded. It also appears that NE#1 informed the Complainant of the basis for the stop. NE#1 did not, however, inform the Complainant of his name or rank. I further note that NE#1 did not do so during the stop he effectuated prior to his interaction with the Complainant, which was also captured on video. There does not appear to have been any safety concerns that prohibited NE#1 from identifying himself and his failure to do so here was technically inconsistent with policy. However, instead of a Sustained finding, I recommend that NE#1 receive a Training Referral.

- **Training Referral:** NE#1's chain of command should retrain him on the elements of SPD Policy 16.230-POL-2 and, specifically, the requirement that he identify himself during traffic stops. His chain of command should counsel NE#1 to do so moving forward. This retraining and associated counseling should be documented and this documentation should be maintained in an appropriate database.

Recommended Finding: **Not Sustained (Training Referral)**