



## CLOSED CASE SUMMARY

ISSUED DATE: DECEMBER 29, 2019

CASE NUMBER: 2019OPA-0512

### **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 Subject reported to a Parking Enforcement supervisor that the Named Employee cited him for a parking infraction on the basis of his race.

### **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 - Allegation #1**

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

On July 3, 2019, Named Employee #1 (NE#1), who is a Parking Enforcement Officer (PEO), responded to a report of a parked vehicle blocking an alley. On arrival, NE#1 found the vehicle parked, unoccupied, and blocking the alley driveway leading to off-street parking. NE#1 cited the vehicle for a violation and took photographs of its license plate and the position it was parked in. She was in the process of completing an impound form to have the vehicle towed when a male individual – referred to here as the "Subject" – approached and asked NE#1 what she was doing. NE#1 replied by asking if the car belonged to the Subject. He said that it did.

According to NE#1, she informed the Subject that she had issued a citation and asked him if he could move his car. She reported that the Subject replied, "no, and go [expletive] yourself." NE#1 reportedly told him that his car would be removed. She stated that the Subject said she was only doing this because he was Black. NE#1 asked the Subject if he thought she was taking an enforcement action because of racial bias, and he said yes. NE#1 told the Subject that she would report his allegation to a PEO supervisor, who would come to the scene to take his complaint. The Subject replied that NE#1 could do what she wanted, and that he was not afraid of her supervisor. He then entered his car and drove away before NE#1 could obtain any contact information. NE#1 reported the Subject's allegation to



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her supervisor, who told her to remain at the scene until he could arrive, assess the situation, and determine the appropriate action to be taken. The supervisor arrived and completed a bias investigation report in Blue Team, which included the above information. However, based on a later discussion with a sworn SPD supervisor, the PEO referred the Subject's allegations to OPA.

As part of its investigation, OPA attempted to determine the identity of the Subject based on Washington Department of Licensing records. The license plate visible in the photograph was registered to Bill Pierre Chevrolet and the vehicle description associated with that plate matched the vehicle, leading OPA to conclude that the vehicle still has its dealer plates. The ticket associated with the vehicle had not been paid at the time OPA conducted its investigation. OPA was therefore unable to determine the identity of the Subject to conduct a follow-up interview regarding his bias allegation.

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 the record in this case, OPA lacks an evidentiary basis to conclude that NE#1 cited the Subject because of his race. OPA rests that conclusion on the photographs taken by NE#1 showing the Subject's vehicle parked in an alley blocking a garage door, thus establishing probable cause to believe that the car was in violation of City ordinances. No additional information in the record exists to bolster the Subject's assertion that NE#1 was motivated by his race. Moreover, the Subject refused to wait for a supervisor to arrive on scene and, thus, did not proffer any evidence in support of that claim. For these reasons, OPA recommends that this allegation be Not Sustained – Unfounded.

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