



CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 17, 2020

CASE NUMBER: 2019OPA-0534

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 Complainant alleged that the Named Employee cited him for improperly displaying a disability parking placard based on 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 - Allegations #1

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

On July 31, 2019, uniformed patrol officers responded to a report of an unoccupied vehicle with no visible plates with what appeared to be a "night stick" visible inside. Named Employee #1 (NE#1), who is a Parking Enforcement Officer (PEO), was the reporting party. The vehicle had a disability placard hanging from its rear-view mirror, although it was not parked in a disability parking space. NE#1 was able to determine that the disability placard was registered to a person from Tacoma. As such, NE#1 ordered a tow.

The Complainant arrived on scene and explained that the vehicle was his. One of the officers told the Complainant that they were called because the vehicle did not have visible plates and the Vehicle Identification Number (VIN) was obscured. He asked about the "night stick" in the front seat. The Complainant explained that the "night stick" was a flashlight and provided the other information requested. The Complainant provided his name, which did not match the name associated with the disability placard. The Complainant and the officers conversed, and the PEO canceled the tow after verifying the Complainant's identity. The Complainant also explained that his license plate was obscured because he had been the victim of stalking in the past.

NE#1 asked to see the placard. The Complainant declined at first and spoke with the officers. The officers confirmed that PEOs have the authority to ask for placards pursuant to their enforcement duties, and the Complainant gave

NE#1 the placard. NE#1 explained that he was assigned to disabled parking enforcement and asked if the Complainant had his disabled privilege ID card or driver's license. The Complainant said that he didn't have either on his person and that the placard belonged to his father, who he drove around. The Complainant explained that his father was at a doctor's appointment and not at their location at the time. NE#1 told the Complainant that the only time it was legal to display a disability placard was when driving the person who the disability placard belonged to and that he would be confiscating the placard pursuant to his enforcement duties. NE#1 issued a citation for improperly displaying the placard. In response to one of the officers' questions, NE#1 also explained that the Complainant's father could get a new placard free of charge, without having to reapply.

The Complainant later contacted OPA. He alleged that he believed NE#1 targeted him in part because he was Black. He further stated that, after NE#1 ascertained that the vehicle had valid plates, NE#1 went out of his way to identify a potential violation for which he could issue a citation. In the Complainant's opinion, this also suggested bias on NE#1's part. This OPA investigation ensued.

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, OPA has insufficient evidence to determine that NE#1 targeted the Complainant's vehicle for enforcement on the basis of his race. OPA arrives at this conclusion for two main reasons. First, at the time NE#1 identified the vehicle and the disability placard for investigation, he could not have been aware of the Complainant's race since he had not yet seen the Complainant and did not know the identity of the vehicle's owner. Second, based on the Complainant's own statements, as well as on the information he gave to NE#1, the Complainant was not the individual who had been issued the disability placard. As noted by the SPD officers on the scene and as explained to the Complainant by NE#1, a PEO may confiscate a disability placard if it is displayed by a person other than the person it was issued to. Accordingly, NE#1 had the authority to take the actions he did. No additional information suggests that NE#1 confiscated the placard solely because of the Complainant's race, or otherwise impermissibly took the Complainant's race into account at the time he decided to investigate the Complainant's vehicle.

For the above reasons, OPA recommends that this allegation be Not Sustained – Unfounded.

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