



## CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 26, 2020

CASE NUMBER: 2019OPA-0560

### 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 engaged in biased policing when he ticketed her vehicle.

### ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the review and approval of the Office of Inspector General for Public Safety, 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.

The Complainant also alleged that the Named Employee’s demeanor towards her and statements during their interaction were unprofessional. OPA returned that allegation to the chain of command for handling as a Supervisor Action. The Named Employee’s supervisor spoke with him and reiterated the expectation that parking enforcement officers always strive to be professional during when engaging with community members. The supervisor unsuccessfully tried to contact the Complainant to inform her of the handling of this matter.

### ANALYSIS AND CONCLUSIONS:

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

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

The Complainant was issued a ticket by Named Employee #1 (NE#1), who is a Parking Enforcement Officer (PEO). She stated that she parked her vehicle and was speaking with her mother on the phone when she noticed that NE#1 was ticketing her. She was away from her vehicle at the time and guessed that she said that she had been parked for around two minutes. She told OPA that she went to speak with NE#1 concerning the ticket and, during that conversation, NE#1 was “distant, cold, rude, and very condescending.” She referenced that NE#1 asked her a number of times whether she had seen the sign that governed parking in that area and that, when he did so, she felt that he was treating her like a child. The Complainant asserted that NE#1 treated her differently because he is a “larger, older White male” and she is a “smaller, Hispanic female.” The Complainant acknowledged that NE#1 did not reference her race during the interaction or make any overt statements suggesting bias on his part. The Complainant asserted that NE#1’s treatment of her made her feel “targeted” and “unsafe.”



As part of its investigation, OPA obtained the ticket issued to the Complainant by NE#1. The ticket was for parking a passenger vehicle in a commercial loading zone. A photograph included with the ticket clearly showed that the Complainant's vehicle was illegally parked at the time.

PEOs are not equipped with In-Car Video or Body Worn Video. As such, there was no Department recording of the interaction between NE#1 and the Complainant. Moreover, OPA was unable to locate any third-party video.

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 OPA's review of the available evidence, there is an insufficient basis to determine that NE#1 engaged in biased policing during this incident. Most importantly, based on the Complainant's own recounting of this incident, she was away from her vehicle when NE#1 began issuing her a ticket. As such, he could not have known the race and gender of the owner when he took law enforcement action. Similarly, while the interaction between NE#1 and the Complainant may not have been optimal and even if NE#1 was unprofessional as the Complainant asserted, this does not establish bias on his part.

Given the dearth of evidence indicating that NE#1 subjected the Complainant to biased policing, OPA recommends that this allegation be Not Sustained – Unfounded.

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