



## ***CLOSED CASE SUMMARY***

ISSUED DATE: JANUARY 28, 2020

CASE NUMBER: 2019OPA-0667

### **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 was targeting him for parking citations because 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 - Allegations #1**

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

OPA received a complaint from the Complainant in which he alleged that Named Employee #1 (NE#1) – who is a Parking Enforcement Officer (PEO) – was targeting him for parking citations. He specifically identified two parking citations as evidence of this targeting. The first citation, which was dated May 1, 2019, was for exceeding a parking time limit. This citation was issued to a white Dodge and was signed by another PEO, not NE#1. The second citation, which was dated August 29, 2019, was also for exceeding a parking time limit. This citation was issued to a grey Acura and was signed by NE#1. The Complainant stated these citations were issued to him because of his race.

The Complainant also referenced a prior OPA investigation in which he claimed that a third PEO improperly cited him. In that case – which was investigated under 2019OPA-0534 – he also claimed that he was targeted for parking enforcement because of his race. After conducting its investigation in this past case, OPA determined that there was no evidence of racial bias on the part of that PEO and deemed the allegation to be unfounded.

As a result of the Complainant's newly asserted allegations of bias against NE#1, this subsequent 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.*)

As part of its investigation, OPA further evaluated the two citations. OPA determined that the vehicle that was the subject of the first ticket – the white Dodge – was not actually registered to the Complainant. In addition, as discussed above, OPA verified that this ticket was not issued by NE#1 but, instead, was signed by another officer. With regard to the second ticket, OPA found no evidence that NE#1 issued it due to bias against the Complainant or based on any other improper motive.

Given the above, OPA concludes that the Complainant’s allegation of bias against NE#1 is completely without merit. As such, OPA recommends that this allegation be Not Sustained – Unfounded.

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