



CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 3, 2020

CASE NUMBER: 2019OPA-0694

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 his wife due to bias.

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 Employees. As such, the Named Employees were not interviewed as part of this case.

In addition, the Complainant's wife alleged to OPA that she felt that she was treated rudely by the Named Employee and that he belittled her during their interaction. OPA believed that this allegation was better addressed by the Named Employee's chain of command and, as such, classified it as a Supervisor Action. OPA requested that the Named Employee's chain of command remind him to apply the Department's LEED Model (Listen and Explain with Equity and Dignity) during his interactions with community members.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

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

Named Employee #1 (NE#1), a Parking Enforcement Officer, was assigned to enforce disabled parking placards. Specifically, he was tasked with making sure that the placards matched the vehicles in which they were displayed, as well as that the occupants of vehicles displaying placards included those to whom the placards were issued.

NE#1 observed a car parked in a disabled parking space in the Costco parking lot. NE#1 approached the vehicle and made contact with the driver. The driver, an Asian female, is the wife of the Complainant. At the time NE#1 made contact with the driver, the Complainant was not in the car. She said that she was waiting to pick up the Complainant and disclosed that he was her husband. NE#1 informed her that the person to whom the placard was issued had to be present when the placard was being used. He ultimately cited the driver and seized the placard.

The Complainant later filed a complaint with OPA in which he alleged that NE#1 targeted the driver because she was Asian. He stated that NE#1 did not contact other drivers who were not people of color and that this established bias on his part. When interviewed by OPA, the driver stated that she did not know whether NE#1 contacted other motorists and, if he did so, whether they were also people of color. She contended, however, that he was rude towards her and belittled her.

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.*)

OPA’s investigation yielded insufficient evidence to establish bias on NE#1’s part. First, the citation he issued to the driver was legally supported. Indeed, RCW 46.19.050(1)(C) prohibited the driver from using the parking placard when the Complainant was not present – this was the case even though she is married to the Complainant and was picking him up. Second, there is no basis to conclude that NE#1 inappropriately targeted the driver. While the Complainant asserted that this was the case, he admittedly was not present when the citation was issued. The only other witness was the driver and she was unaware whether there were other motorists illegally parked that NE#1 chose not to contact and/or whether he only contacted people of color.

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

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