



## CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 7, 2020

CASE NUMBER: 2019OPA-0825

### **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 subjected him to biased policing.

### **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.

### **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) was issuing citations for disabled parking placard violations. While doing so, he was approached by a Black man who said the following to him: "Are you doing this because I'm Black? You're a minority too. Why are you doing this to me?" The Complainant left the scene before he could be identified. The bias complaint was later reported to a supervisor and then referred to OPA. This investigation ensued.

As part of its investigation, OPA reviewed the report generated by NE#1 concerning this incident, as well as the citation he issued. He documented that he was enforcing disabled parking placards and that he approached a vehicle to verify that it had a properly issued placard and that one of the individuals in the car was the holder of the placard. NE#1 reported that he knocked on the car window and, when the window opened, he smelled marijuana. NE#1 asked who the placard belonged to and the driver said that it was his. NE#1 asked to see the placard and the driver initially said no. NE#1 told him that he was required to allow an officer to inspect the placard upon request. The driver handed over the placard. The driver then said that the placard belonged to his mom and that she would be back in a moment.

NE#1 reported that the driver exited the vehicle and began arguing with NE#1 and videotaping him. NE#1 told the driver that he needed to verify the placard before he could return it. NE#1 described that the driver became more



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hostile and, based on this, NE#1 called for assistance. NE#1 stated that, at this time, the driver asserted that NE#1 was biased against him due to his race. The driver then walked away. NE#1 ultimately determined who the owner of the placard was. However, he spoke to another witness who informed him that the placard holder's driver's license was suspended so she would not have been driving. As such, this confirmed that the driver was acting in violation of law when he was using the placard.

NE#1 was not assigned In-Car Video or Body Worn Video on the date in question and, as such, this incident was not video recorded. However, NE#1's supervisor verified that NE#1 called for assistance concerning the driver and that the bias complaint was made shortly thereafter. This corroborates NE#1's account.

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.*)

Even though there is no video recording of this incident that OPA has seen, OPA concludes that the totality of the evidence supports a finding that no biased policing occurred. OPA rests its decision primarily on the fact that the supervisor largely confirmed NE#1's account, which gives NE#1's denials of the bias significant weight. Moreover, given that the Complainant is anonymous, the Complainant has offered no evidence to disprove what NE#1 reported.

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

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