



CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 20, 2022

FROM: DIRECTOR ANDREW MYERBERG
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2020OPA-0459

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.140 – Bias Free Policing. Officer 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:

As Parking Enforcement Officers are no longer employed by SPD, the 180-day timelines are no longer applicable to their cases. However, for administrative purposes OPA sets the 180-day deadline for this case as the date of this DCM.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

5.140 Bias Free Policing. Officer Will Not Engage in Bias-Based Policing

The Complainant was issued a ticket for parking in an illegal zone by Named Employee #1 (NE#1). The Complainant asserted that he was cited even though another similarly situated driver was not issued a citation. The Complainant opined that this was due to the fact that the other driver “appeared to be the same ethnic background” as NE#1.

OPA reviewed the citation at issue, as well as the photograph attached to it. The photograph showed the Complainant’s vehicle illegally parked. In addition, a review of the photograph indicated that the vehicle was unoccupied.

OPA interviewed NE#1. He said that he recalled the vehicle being illegally parked and empty. Given this, he cited the vehicle. NE#1 was asked if there was another car similarly parked. NE#1 said that he did not recall and, if there was, he would have cited it. When told that a citation was not issued, he opined that it may have been occupied and that he gave the driver a verbal warning to move. He said that this was consistent with his general practice. NE#1 denied engaging in biased based policing.



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 analysis yields insufficient evidence to prove that NE#1 engaged in bias. First, the photograph attached to the citation indicated that the Complainant’s vehicle was empty at the time the citation was issued. As such, the decision to cite the Complainant could not have been based on race. Second, the Complainant’s allegation of bias is pure speculation, and he has provided no concrete information indicating it to be true.

Given this, OPA recommends that this allegation be Not Sustained – Unfounded.

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