



CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 14, 2022

FROM: DIRECTOR ANDREW MYERBERG
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2020OPA-0615

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 Named Employee #1 issued him a citation based on bias.

ADMINISTRATIVE NOTE:

During the pendency of this investigation, Parking Enforcement Officers (PEO) moved from SPD to CSCC. When this occurred, the 180-day deadline previously afforded to PEOs was no longer be applicable. Given this and for administrative purposes, OPA sets the date of this DCM as the 180-day deadline.

SUMMARY OF INVESTIGATION:

The Complainant filed a complaint concerning a citation that was issued to him by Named Employee #1 (NE#1), a PEO. The Complainant said that he received a citation for his truck being parked over the sidewalk; however, he contended that multiple other vehicles were parked the same way and did not receive citations. The Complainant opined that this was because of his race – Hispanic. He asserted that he was targeted by NE#1 for this reason.

OPA interviewed the Complainant. He said that he walked outside of a building and saw a citation on his vehicle. He stated that the citation was issued by a male PEO of "Asian/Hispanic/Filipino" heritage. He told OPA that he took pictures of other similarly situated vehicles that were not cited and provided those photographs to OPA.

OPA's review of the photographs indicated that they were taken a period of time after the citation was issued. As such, they did not provide clear evidence of how other vehicles were parked at the time of issuance.

OPA further verified that NE#1 issued the Complainant a warning, not a citation.



ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.140 - Bias-Free Policing 2. Officers Will Not Engage in Bias-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-POL.) This includes different treatment based on the race of the subject. (*See id.*)

OPA finds no evidence supporting the Complainant’s allegation that he was subjected to biased policing. First, the Complainant’s truck was illegally parked. Second, based on his own statement, the citation had already been issued prior to him exiting the building and seeing NE#1, which undercuts his claim that he was targeted based on his race. Third, he did not provide evidence proving that there were other similarly parked vehicles at the time the citation was issued. Fourth, NE#1 issued the Complainant a warning, not a citation.

Given all of the above, OPA recommends that this allegation be Not Sustained – Unfounded.

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