



CLOSED CASE SUMMARY

ISSUED DATE: NOVEMBER 16, 2021

FROM: DIRECTOR ANDREW MYERBERG
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2021OPA-0258

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 – Standards and Duties 10. Employees Shall Strive to be Professional	Not Sustained (Inconclusive)
# 2	5.140 – Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing	Not Sustained (Inconclusive)

Named Employee #2

Allegation(s):		Director's Findings
# 1	5.001 – Standards and Duties 10. Employees Shall Strive to be Professional	Not Sustained (Inconclusive)

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 improperly cited him and made biased and unprofessional statements towards him.

SUMMARY OF INVESTIGATION:

The Complainant alleged that his vehicle had been repeatedly targeted for citations by Named Employee #1 (NE#1) – a Parking Enforcement Officer (PEO). He believed that NE#1 was “singling” him out. He stated that the tickets were \$100 each and that he could not afford them given his financial circumstances. The Complainant contended that no one else in the near vicinity was receiving similar citations. He further asserted that NE#1 and an unidentified PEO made biased and unprofessional comments, specifically that they “made light” of the fact that he is an “older White gentleman,” and his girlfriend is a “younger Black woman.” The alleged comments were made by them to his girlfriend.

OPA identified that the Complainant received seventeen (17) citations from March 2, 2021, through May 20, 2021. NE#1 issued five (5) of those citations. OPA reviewed the citations, as well as the photographs that were attached. OPA also determined that the Complainant's tabs had been expired since 2016.

OPA was not able to locate any video evidence concerning the citations and/or the interaction between the PEOs and the Complainant. Notably, PEOs are not equipped with either In-Car Video or Body Worn Video.



OPA interviewed the Complainant. He stated that he runs a business where he buys, repairs, and sells vehicles. The Complainant told OPA that he parks the vehicles in a city lot. The Complainant stated that he was having financial difficulties and this was being exacerbated by the citations. He said that he had no issues with citations until around six months ago. He reaffirmed his belief that he was being cited improperly. He noted two pieces of evidence in support of this. First, he asserted that he received citations while his girlfriend, who is Black, did not receive them at the same rate. He posited that this was due to him being White. He noted that both NE#1 and the other PEO were Black. Second, he claimed that his vehicles were cited while similarly situated vehicles at a nearby business were not also cited. Again, he pointed to this as support for the disparate treatment he alleged. With regard to the comments made by NE#1 and the other PEO, he said that his girlfriend let him know that the statements had been made. The Complainant felt that the comments were made in order to belittle his girlfriend for dating a White male. OPA attempted to interview the Complainant's girlfriend; however, OPA could not locate contact information for her and was unable to speak with her.

Lastly, OPA interviewed NE#1. She denied specifically targeting the Complainant's vehicles. To the contrary, she said that she tried to work with him and advised him to obtain a parking permit so that he would not be cited. NE#1 recalled telling the Complainant that she could not take it easy on him because that would constitute preferential treatment, which she was not permitted to engage in. Lastly, NE#1 denied that either she or an unknown PEO made unprofessional and/or biased comments to the Complainant's girlfriend.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.001 – Standards and Duties 10. Employees Shall Strive to be Professional

SPD Policy 5.001-POL-10 requires that SPD employees "strive to be professional at all times." The policy further instructs that "employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers." (SPD Policy 5.001-POL-10.) The policy further states the following: "Any time employees represent the Department or identify themselves as police officers or Department employees, they will not use profanity directed as an insult or any language that is derogatory, contemptuous, or disrespectful toward any person." (*Id.*) Lastly, the policy instructs Department employees to "avoid unnecessary escalation of events even if those events do not end in reportable uses of force." (*Id.*)

As discussed above, the Complainant alleged that NE#1 and an unknown PEO made unprofessional and biased comments to his girlfriend. NE#1 denied that she made the comments attributed to her. OPA was unable to identify the unknown PEO. OPA further was unable to locate the girlfriend and interview her. Lastly, there was no video or other evidence available to confirm or deny the allegations.

Given the above, OPA cannot conclusively determine whether NE#1 and an unknown PEO made the unprofessional and biased statements. Accordingly, OPA recommends that this allegation be Not Sustained – Inconclusive as against both NE#1 and NE#2.

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

Named Employee #1 - Allegation #2



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.*)

The allegation of bias is interpreted by OPA to have two components. First, that the citations issued to the Complainant by NE#1 constituted disparate treatment and, thus, constituted bias. Second, that NE#1 and an unknown PEO made biased statements to the Complainant’s girlfriend.

With regard to the allegation of the improper issuance of citations by NE#1, OPA found no evidence supporting this claim. All of the citations reviewed by OPA were supported by the evidence and, specifically, by photographs attached to the citations. Moreover, OPA verified that the Complainant received multiple citations from other PEOs for similar violations and that his tabs had been expired for approximately five years prior to the citations issued by NE#1. Lastly, OPA found no patterns with the citations indicating disparate treatment. As such, OPA deems this aspect of the Complainant’s allegations to be unfounded.

However, with regard to the Complainant’s claim concerning potentially biased statements, OPA deems it to be inconclusive for the same reasons set forth in Allegation #1 above. Accordingly, OPA recommends that this allegation be Not Sustained – Inconclusive as against both NE#1 and NE#2.

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

Named Employee #2 - Allegation #1

5.001 – Standards and Duties 10. Employees Shall Strive to be Professional

For the same reasons as stated above (*see* Named Employee #1 – Allegation #1), OPA recommends that this allegation be Not Sustained – Inconclusive.

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