



CLOSED CASE SUMMARY

ISSUED DATE: APRIL 8, 2024

FROM: DIRECTOR GINO BETTS, JR. 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2023OPA-0465

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.140 - Bias-Free Policing, 5.140-POL-2 Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded (Expedited)

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 Named Employee #1 (NE#1) targeted his vehicle for a parking citation due to the Complainant's status as a disabled veteran.

ADMINISTRATIVE NOTE:

During its intake investigation, OPA noted a possible policy violation committed by NE#1. Specifically, NE#1 did not appear to review or photograph the Complainant's rear license plate. See SPD Policy 15.180-POL-1 (Officers Shall Conduct a Thorough and Complete Search for Evidence). Had NE#1 done so, he would have observed the Complainant's disabled parking license plate, exempting the Complainant from the citation. OPA returned this allegation to NE#1's chain of command to process as a supervisor action.¹

This case was designated as an Expedited Investigation. This means that OPA, with the Office of Inspector General's (OIG) review and approval, believed that it could reach and issue recommended findings based solely on its intake investigation and without interviewing the involved employees. As such, OPA did not interview the involved employee in this case.

On November 9, 2023, OIG certified OPA's expedited investigation as thorough, timely, and objective.

¹ A supervisor action "generally involves a minor policy violation or performance issue that is best addressed through training, communication, or coaching by the employee's supervisor." See OPA Internal Operations and Training Manual, section 5.4(B)(ii). OPA may mandate the employee's chain of command to take "specific, relevant action with the employee." *Id.*

OPA also reviewed emails and paperwork from NE#1's chain of command. This material indicated NE#1's chain of command acted on the information from the Complainant to cancel the Complainant's parking ticket as well as provide coaching and counseling to NE#1.



SUMMARY OF INVESTIGATION:

The Complainant emailed an OPA complaint, which included two photographs. The Complainant identified themselves as a disabled veteran with disabled parking privileges. The Complainant included a photograph of their vehicle registration, which noted they had disabled National Guard plates with the tab to be displayed on the “back license plate only.” The Complainant alleged NE#1 engaged in “predatory behavior” and “targeted harassment” by ticketing the Complainant despite his disabled tabs. The Complainant included a photograph of a parking ticket he received for parking without payment. The ticket was issued to the Complainant’s vehicle on a date when his vehicle registration was active.

OPA opened an intake investigation, reviewing the OPA complaint, two photographs, and the court package NE#1 prepared. OPA had difficulty contacting the Complainant for an interview. However, OPA received a detailed voicemail from the Complainant that was consistent with the Complainant’s email. OPA determined that it had the relevant information needed to investigate the complaint.

The court package for the Complainant’s ticket indicated that NE#1 only took a picture of the Complainant’s front license plate, which did not indicate that the Complainant was disabled and exempt from paying for parking. The court package did not indicate that NE#1 reviewed the Complainant’s rear license plate.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

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

The Complainant alleged that NE#1 targeted him for a parking ticket because the Complainant is a disabled veteran.

SPD policy prohibits biased policing, defined 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 treatments based on the disability or veteran status of the subject. *See id.* Officers are forbidden from (i) making decisions or taking actions influenced by bias and (ii) expressing any prejudice or derogatory comments concerning personal characteristics. *See* SPD Policy 5.140 POL-2.

The evidence indicates NE#1 wrongfully issued a ticket to the Complainant because NE#1 was unaware the Complainant was exempt, due to disability, from paying to park in the residential parking zone. NE#1 only photographed the Complainant’s front license plate. The Complainant’s registration showed his disabled license tab was to be displayed on his rear license plate. Nevertheless, there is no evidence to suggest NE#1 knew the Complainant or had reason to target his vehicle. While NE#1 wrongfully ticketed the Complainant, there is no indication that it was due to bias rather than an oversight. Ultimately, the Complainant’s ticket was canceled, but OPA acknowledges the Complainant’s frustration and inconvenience.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

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