



CLOSED CASE SUMMARY

ISSUED DATE: APRIL 4, 2024

FROM: DEPUTY DIRECTOR BONNIE GLENN ON BEHALF OF DIRECTOR GINO BETTS JR.,
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2023OPA-0467

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

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 PEO #1 (NE#1) targeted her friend (Community Member #1 or CM#1) due to her race when NE#1 told CM#1 that her car was too close to someone's driveway.

ADMINISTRATIVE NOTE:

On March 7, 2024, the Office of Inspector General certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

The Complainant emailed OPA. The Complainant wrote that she and her research team were out at dinner and, after dinner, CM#1—who is African American—was sitting in her car checking emails. The Complainant wrote that an "officer" approached and told CM#1 that there were "reports that her 'unfamiliar' car was too close to someone's driveway." The Complainant wrote the experience made CM#1 feel rattled, unsafe, and "not welcome in that neighborhood as a Black woman."

OPA opened an investigation. OPA reviewed the complaint and the computer-aided dispatch (CAD) call report. OPA interviewed the Complainant and NE#1. OPA asked the Complainant for CM#1's contact information, but the Complainant declined stating CM#1 did not want to participate in the process. OPA did not identify or interview CM#1.

OPA interviewed the Complainant, who provided the general area, time, and date of the alleged encounter.

OPA identified a call for service matching the general area, time, and date of the alleged encounter. According to the CAD call report, a community member called for service because an unoccupied vehicle was parked too close to a driveway. NE#1, a parking enforcement officer (PEO), responded and closed the call with a note that a verbal warning was issued. OPA was unable to confirm with certainty that the CAD call report related to CM#1 because the Complainant declined to identify CM#1.

OPA interviewed NE#1. NE#1 has been a PEO for about six months. NE#1 recalled this incident as a radio call but did not recall interacting with anyone. NE#1 stated her notes indicated she was unable to locate the incident or complainant. However, NE#1 acknowledged the CAD call report indicated she gave someone an oral warning. NE#1



explained a municipal code created a “buffer area” of five feet around a driveway or alley.¹ NE#1 stated a PEO could issue a citation for this, but explained her practice was to give a driver an opportunity to move their vehicle without issuing a citation. NE#1 denied violating any SPD policy, stating she tries to treat everyone with the same respect and provide courtesy notice as opposed to citations.

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 NE#1 targeted CM#1 due to her race.

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.* Officers are forbidden from both, (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.

More likely than not, the incident the Complainant described was the one handled by NE#1. There is no evidence to suggest NE#1 acted out of racial bias. Even as described by the Complainant, NE#1 explained they were responding because a caller complained that a vehicle was blocking a driveway. NE#1 did not use any derogatory or threatening language, nor did NE#1 issue a citation to CM#1. The CAD call report corroborated these facts. Even though NE#1 had a limited recollection of this incident, NE#1 recalled her response was motivated by a radio call. NE#1 stated she tries to treat everyone with respect.

OPA acknowledges that CM#1 may have sincerely felt rattled, unsafe, and unwelcome by the encounter. But OPA found no evidence to suggest NE#1 was motivated by bias. Instead, the evidence provided suggests NE#1 responded to a call for service from the community, addressed the call professionally, and exercised appropriate discretion by issuing an oral warning instead of a citation.

OPA recommends this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained - Unfounded**

¹ *See* Seattle Municipal Code (SMC) 11.72.110.