



## CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 17, 2018

CASE NUMBER: 2017OPA-0776

### 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)
# 2	5.001 - Standards and Duties 9. Employees Shall Strive to be Professional at all Times	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 he is being harassed and profiled by Named Employee #1, who is a Parking Enforcement Officer.

### ANALYSIS AND CONCLUSIONS:

#### **Named Employee #1 - Allegation #1**

#### ***5.140 - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing***

Named Employee #1 (NE#1) is a Parking Enforcement Officer who is assigned to a task force that deals with abandoned vehicles and vehicles that are parked in a location in excess of 72 hours. NE#1 performs her duties in this regard by responding to a list of complaints that are forwarded to her by the Seattle Customer Service Bureau.

NE#1 issued citations to the Complainant’s vehicle on one occasion. He received two other citations, both from different Parking Enforcement Officers. NE#1 first interacted with the Complainant on July 21. On that day, the Complainant indicated that he was a disabled veteran and was having difficulty moving his car given that it was not in working condition. During that conversation, NE#1 explained to the Complainant that his car had been flagged in a complaint filed with the Customer Service Bureau. She told the Complainant to try to move the vehicle onto private property by July 27 and explained that, after that date, she would be required to cite the vehicle. NE#1 returned to the location on July 28 and observed that the vehicle had not been moved. She then issued a citation.

That same day, the Complainant had an interaction with police officers who were conducting a welfare check on him. He told the officers that he believed that he was getting harassed and profiled by Parking Enforcement Officers.

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.)



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While the Complainant contends that he was being profiled by NE#1, presumably due to his status as a disabled veteran, there is simply no evidence in the record establishing that fact to be true. NE#1 investigated and ultimately cited the Complainant's vehicle based on a complaint filed with the Customer Service Bureau, not based on her own discretion. Notably, NE#1 could have cited the vehicle when it was not moved within 72 hours; however, she waited approximately one week before taking any action to give the Complainant a chance to move his vehicle. If NE#1 were biased against or profiling the Complainant, it would make no sense for her to give him more time than statutorily required to move his vehicle. Indeed, this suggests the opposite, that NE#1 tried to do everything in her power to help the Complainant in this situation.

For these reasons, I recommend that this allegation be Not Sustained – Unfounded.

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

**Named Employee #1 - Allegation #2**

***5.001 - Standards and Duties 9. Employees Shall Strive to be Professional at all Times***

SPD Policy 5.001-POL-9 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-9.)

Based on both NE#1's and the Complainant's recounting of their interaction, I find no evidence suggesting that NE#1 acted unprofessionally. To the contrary, as discussed above, NE#1 appeared to take extra steps in this case to give the Complainant enough time to move his car before he received a citation. Accordingly, I recommend that this allegation be Not Sustained – Unfounded.

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