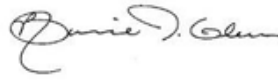

Issued Date: JANUARY 22, 2025

From: Interim Director Bonnie Glenn
Office of Police Accountability



Case Number: 2024OPA-0332

Allegations of Misconduct & Director's Findings

Named Employee #1

1. **Allegation #1:** 5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing

Finding: Not Sustained - Unfounded

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections may be written in the first person.

Executive Summary:

The Complainant alleged Named Employee #1 (NE#1), a parking enforcement officer, engaged in bias-based policing due to racism and sexism. Specifically, the Complainant alleged NE#1 did not ticket a white masculine-presenting person (Community Member #1 or CM#1) who “rushed outside to ask forgiveness,” but ticketed the Complainant (a woman) and people of color under the same circumstances.

Administrative Note:

On December 23, 2024, OIG certified OPA’s investigation as thorough, timely, and objective.

Summary of Investigation:

OPA investigated by reviewing the web-based complaint, a map of the area, and parking citation statute. OPA interviewed NE#1 and CM#1. OPA communicated with the Complainant through email correspondence.

This complaint centers around NE#1’s ticketing of vehicles belonging to workers at a Café that is adjacent to a City parking lot. The parking lot is time restricted (2 hours) and has pavement markings indicating where individuals can park.

In her complaint and correspondence with OPA, the Complainant wrote that CM#1—who is white and presented masculine—saw they were going to get ticketed by NE#1. The Complainant alleged CM#1 ran outside and asked forgiveness, and NE#1 said, “don’t worry about it, I’ll look

out for you.” The Complainant said she witnessed this from inside the Café and heard CM#1 talking about it later. The Complainant wrote “the same incident” occurred between NE#1 and a “Black man and a woman of color,” but NE#1 was “harsh and rude” when explaining the rules and ticketed them even though they pleaded with him. The Complainant provided contact information for the woman of color and corresponded via email with OPA’s investigator after leaving a voicemail for her. OPA was not provided with any contact information for the Black male and was not able to locate any information for him. The Complainant also alleged NE#1 was “inconsistent.”

OPA interviewed CM#1, who said they saw NE#1 so they left the Café to move their car. CM#1 said, as they approached their car, NE#1 pointed to the Café as if to say, “Oh, you work there?” CM#1 indicated they worked at the Café and said they were going to move their vehicle. CM#1 said NE#1 gave them a thumbs up, as if to say, “I got you.” CM#1 was not issued a ticket. CM#1 said they had heard stories that others who worked at the Café received tickets, and some individuals believed this was motivated by bias.

OPA interviewed NE#1, who stated they have been a parking enforcement officer for nine years. NE#1 is familiar with the City lot adjacent to the Café and noted the Café workers are frequently upset about parking tickets. NE#1 said they have expressed to him that they feel they should be permitted to park there all day because they work at the nearby Café. NE#1 said there are no such exemptions. NE#1 said there are two types of tickets for the lot, either violating the two-hour limit or parking in the pavement markings. NE#1 described his practice. He patrols the lot about three times per week, writing tickets for all those in the pavement markings and chalking all the remaining cars. NE#1 said he then returns about two hours and ten minutes later and tickets any car that has not moved. NE#1 said this can take him about thirty minutes. NE#1 said his practice is to give a ticket to anyone if he has started writing a ticket, with limited exceptions for the elderly or those with a verifiable excuse. NE#1 stated he had voided tickets in the past for females, Black males, and women of color. NE#1 denied race or gender factoring into these decisions. NE#1 recalled a conversation with a Black male who came out of the Café. NE#1 said the two had a civil conversation for about twenty minutes, but NE#1 ultimately explained to the Black male that he was not going to void the ticket because he “had to treat every vehicle the same.” NE#1 said that during the year of 2024, there had been about 277 tickets written in that parking lot. NE#1 said he is not aware of a driver’s gender or race when he starts writing a ticket. He only confirms whether a plate is stolen before writing the ticket.

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 engaged in bias-based policing due to race, gender, and gender identity.

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 gender, gender identity, race, ethnicity, or color 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.

OPA finds that, more likely than not, this allegation is unfounded. NE#1 denied the allegations, explaining his practice for writing tickets. He noted that he generally will continue writing the ticket once he has started but admitted to having voided tickets for all different demographics of people. The Complainant provided few specific facts of the different situations she noted, other than broadly describing the situations as the same. But, according to CM#1, the facts of their situation were different: in that situation, CM#1 moved their car *before* NE#1 started writing a ticket. In her complaint, the Complainant said she received a ticket “despite having the exact same circumstance (working at the café).” But under NE#1’s criteria, “working at the café” is not a circumstance that is relevant to him; moving your car *before* he starts writing the ticket is. The Complainant did not provide those details concerning her interaction with NE#1. Relatedly, OPA did not get any direct information concerning the Black male or woman of color the Complainant referenced.

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

Recommended Finding: **Not Sustained – Unfounded**