



## **CLOSED CASE SUMMARY**

ISSUED DATE:     SEPTEMBER 20, 2018

CASE NUMBER:    2018OPA-0269

### **Allegations of Misconduct & Director’s Findings**

**Named Employee #1**

<b>Allegation(s):</b>		<b>Director’s Findings</b>
# 1	5.001 - Standards and Duties 10. Employees Shall Strive to be Professional	Not Sustained (Unfounded)
# 2	5.001 - Standards and Duties 14. Retaliation is prohibited	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 the Name Employee #1 continually harassed him by issuing parking citations to his vehicle, while not issuing citations to other vehicles that were similarly parked. The Complainant alleged that Named Employee #1 may be retaliating against him.

#### **ANALYSIS AND CONCLUSIONS:**

##### **Named Employee #1 - Allegations #1**

##### ***5.001 - Standards and Duties 10. Employees Shall Strive to be Professional***

As part of its investigation, OPA interviewed the Complainant. The Complainant stated that he lost the moorage for his boat and, as a result, he placed it on a trailer that he affixed to his vehicle. Due to the size of the vehicle and trailer combination, he had difficulty finding parking. As a result, he would park it near his business, which is located in an industrial zone in Ballard. This area is subject to the 72-hour rule, which provides that a vehicle must be moved every 72 hours from its parked location.

The Complainant alleged that Named Employee #1 (NE#1) engaged in unprofessional behavior against him when she allegedly issued tickets to the Complainant that were not issued to similarly parked vehicles. The Complainant presented OPA with three parking tickets issued to his vehicle by NE#1. All were issued for violations of the 72-hour rule. The Complainant further alleged that NE#1 was harassing him, was corrupt, and was targeting him.

At her OPA interview, NE#1 denied targeting or harassing the Complainant. She further denied not issuing the same citations to similarly situated vehicles. NE#1 informed OPA that the Complainant’s vehicle had received 47 complaints from community members from December 2017 to May 2018. NE#1 stated that she met with the Complainant on at least three occasions during which she tried to resolve the parking situation. She stated that she had issued him several notices instead of infractions and that she had purposefully not impounded his vehicle, even though she was permitted to do so, in order to allow the Complainant to resolve the citations. NE#1 denied



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engaging in any improper conduct and stated that she was, instead, simply trying to resolve the complaints made by numerous community members.

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.)

While the Complainant contended that NE#1 harassed and targeted him, as well as that she was unprofessional, I find insufficient evidence to support these allegations. While NE#1 issued the Complainant three citations for violations of the 72-hour rule, she did not issue him citations on many other occasions when she could have. Moreover, she declined to impound his vehicle, even though she would likely have been justified in doing so. Ultimately, I find the allegation that NE#1 was unprofessional to be unsupported by the record. As such, I recommend that this allegation be Not Sustained – Unfounded.

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

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

***5.001 - Standards and Duties 14. Retaliation is prohibited***

SPD policy precludes its employees from engaging in retaliation. (SPD Policy 5.001-POL-14.) SPD employees are specifically prohibited from retaliating against a person who engage in activities including, but not limited to, “oppos[ing] any practice that is reasonably believed to be unlawful or in violation of Department policy” or “who otherwise engages in lawful behavior.” (*Id.*) Retaliatory acts are defined broadly under SPD’s policy and include “discouragement, intimidation, coercion, or adverse action against any person. (*Id.*)

The Complainant alleged that NE#1 may have engaged in retaliation against him. For the same reasons as discussed in the context of Allegation #1, I find no evidence in the record supporting this claim. Accordingly, I recommend that this allegation be Not Sustained – Unfounded.

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