



CLOSED CASE SUMMARY

ISSUED DATE: JUNE 23, 2020

CASE NUMBER: 2020OPA-0191

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 Standards and Duties 14. Retaliation is prohibited	Not Sustained (Unfounded)

EXECUTIVE SUMMARY:

The Complainant alleged that the Named Employee retaliated against him by issuing him four parking citations.

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the review and approval of the Office of Inspector General for Public Safety, believed that it could reach and issue recommended findings based solely on its intake investigation and without interviewing the Named Employee. As such, the Named Employee was not interviewed as part of this case.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.001 Standards and Duties 14. Retaliation is prohibited

In late January or early February of 2020, the Complainant interacted with a Parking Enforcement Officer (PEO) outside of the Complainant's place of business near 27th Ave and East Cherry Street. At this time, the Complainant was issued a parking citation relating to a vehicle parked on the sidewalk, in front of the Complainant's auto repair business. The Complainant then received three more parking citations, two of which were known to have been issued on March 7 and March 14, 2020. On March 23, 2020, the Complainant filed this complaint, alleging that the PEO who he had interacted with in January or February was issuing the citations out of retaliation. While the Complainant did not dispute the legality of the citations, the Complainant asserted that the PEO was harassing him based on their initial interaction. OPA commenced an investigation into these allegations.

During an interview with OPA, the Complainant stated that his initial conversation was with a White male PEO. However, the Complainant also noted that he did not interact with the PEO who subsequently issued the three citations and assumed that it was the same officer. A search of SPD records showed that the subsequent parking citations were issued by Named Employee #1 (NE#1), an African American male. When evaluating parking enforcement action taken in the block surrounding the Complainant's business, SPD records indicated that, over a 12-month timeframe, the Complainant received four out of the 33 tickets written in that area.

SPD policy precludes its employees from engaging in retaliation. (SPD Policy 5.001-POL-14.) Retaliatory acts are defined broadly under SPD's policy and include "discouragement, intimidation, coercion, or adverse action against any person. (*Id.*)



The Complainant stated that, after speaking with a PEO in January or February 2020, he received three more parking citations in March 2020. However, OPA's investigation established that the officer with whom the Complainant spoke with was not the same officer who issued the three citations in March. Moreover, of the 33 parking citations issued on the Complainant's block over the past year, the Complainant's business was subjected to only 12%. In OPA's opinion, this is not surprising given that the Complainant operates an overnight auto repair business in a residential area. In addition, the Complainant failed to proffer any evidence establishing a nexus between his conversation with the White male PEO and the tickets issued by NE#1. In the absence of such evidence, this allegation cannot be proved.

For these reasons, OPA recommends that this allegation be Not Sustained – Unfounded.

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