



## ***CLOSED CASE SUMMARY***

ISSUED DATE: AUGUST 23, 2023

FROM: DIRECTOR GINO BETTS   
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2023OPA-0096

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

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.002 – Responsibilities of Employees Concerning Alleged Policy Violations, 5.001-POL-4. Retaliation is Prohibited	Not Sustained - Unfounded (Expedited)

***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 Named Employee #1 (NE#1) – a Parking Enforcement Officer – retaliated against her by citing her for displaying a “Fuck the Police” sign on her car.

### **ADMINISTRATIVE NOTE:**

This case was approved for Expedited Investigation. That means OPA, with the Office of Inspector General's agreement, believed it could issue recommended findings based solely on its intake investigation without interviewing the involved employee. As such, OPA did not interview the involved employee in this case.

### **SUMMARY OF INVESTIGATION:**

#### ***A. OPA Complaint & Complainant Interview***

The Complainant stated that she received a \$47 ticket for parking within 15 feet of a fire hydrant on February 24, 2023. The Complainant alleged that she parked in the same spot for five years without being cited. The Complainant believed she was ticketed in retaliation for placing a “Fuck the Police” sign in her car's rear window three weeks prior.

The Complainant emailed OPA photos of her “Fuck the Police” sign and other cars parked nearby but were not ticketed.



*Picture provided by Complainant*

**B. Parking Ticket**

OPA reviewed the parking ticket that NE#1 issued to the Complainant at 3:14 PM. Two photos of the Complainant and her vehicle were attached to the ticket. The images showed the Complainant's vehicle was parked near a fire hydrant, with another vehicle parked in front of the Complainant's car. NE#1 noted in the citation that he paced the Complainant's vehicle to determine it was approximately 10 feet from the fire hydrant. NE#1 cited the Complainant's vehicle for violating Seattle Municipal Code (SMC) 11.72.160, prohibiting parking within 15 feet of a fire hydrant.

**C. Parking Enforcement Information**

OPA reviewed parking enforcement data for the area where the Complainant's car was cited. It showed that 89 tickets for "SMC 11.72.160 – Fire Hydrant" were issued from February 24, 2022, to February 24, 2023, including the citation issued by NE#1 to the Complainant. It also showed that over a year, NE#1 issued 27 citations for "SMC 11.72.160 – Fire Hydrant" in the same area. Finally, NE#1 also cited the vehicle parked directly in front of the Complainant's car minutes after citing the Complainant.





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*Picture included in NE#1's Court Package. The red arrow points to the Complainant's vehicle, and the Blue arrow points to the other cited vehicle.*

**ANALYSIS AND CONCLUSIONS:**

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

***5.002 – Responsibilities of Employees Concerning Alleged Policy Violations, 5.002-POL-4. Retaliation is Prohibited***

The Complainant alleged NE#1 issued her a parking citation in retaliation for displaying signs on her car that read, "Fuck the Police."

SPD policy precludes its employees from engaging in retaliation. *See* SPD Policy 5.001-POL-14 and 5.002-POL-4. SPD employees are prohibited from retaliating against a person who engages in activities including, but not limited to, "[exercising] a constitutional right" or "publicly [criticizing] . . . the Department." *Id.* Retaliatory acts are defined broadly under SPD's policy and include "discouragement, intimidation, coercion, or adverse action against any person. *Id.*

Here, NE#1 – a parking enforcement officer – issued a citation to the Complainant for parking within 15 feet of a fire hydrant in violation of SMC 11.72.160. The Complainant alleged that she had parked in the same place for five years without a citation but received one three weeks after placing a sign on her car that read, "Fuck the Police."

OPA reviewed NE#1's citation, which contained photos that showed that the Complainant violated the parking regulation. Further, OPA reviewed historical data from the block where the Complainant had parked, which showed that parking enforcement officers had cited vehicles in that area for the same offense 89 times in the year before the complaint. Specifically, NE#1 cited cars for parking within 15 feet of a fire hydrant 27 times in the year prior on the same block. Finally, NE#1 also cited a second car parked next to the Complainant for the same offense. The information from the date of the complaint and the data of parking enforcement action on that block do not support the allegations that NE#1 deviated from the norm when he cited the Complainant or targeted the Complainant.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded (Expedited)

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