

ROBIN HOODS OR HOODLUMS

By Leonard T. Bier, JD, CAPP

While watching morning television recently, I saw a newscast about parking “Robin Hoods” in Keene, N.H. Individuals were following parking enforcement officers (PEOs) performing their duties, and putting coins in expired meters. The Robin Hoods placed a business card on the windshield of each rescued vehicle stating, “Your meter expired! However, we saved you from the king’s tariff.”

It must have been a slow news day, because the story was picked up by ABC and CBS network news as well as Fox News and CNN. The newscasts interested me because the reporters stated that the city had filed a lawsuit to stop the Robin Hoods. I thought there had to be more to the story, and contacted Keene City Attorney Thomas P. Mullins, to find out.

Mullins told me that the city has become the target of a government noncooperation movement called Free Keene, which advocates minimalist government and opposes many municipal government regulations, including parking rules and enforcement. It appears from reviewing the Free Keene website that the group’s intent is to disrupt and ideally take over the municipal government system through the democratic election process.

The Facts


The Robin Hoods are a group of approximately six or eight persons associated with Free Keene, plus an unknown number of volunteers. The city filed suit seeking an injunction to prevent the Robin Hoods from coming within 50 feet of Keene’s three PEOs while on duty, saying the group’s members “regularly, repeatedly, and intentionally interfere, harass, and intimidate the PEOs in the performance of their employment duties.” The city further alleges that the Robin Hoods, “follow, surround, touch or nearly touch, and otherwise taunt and harass the PEOs solo or in groups of two or more.” The city’s complaint also states, which appears not to be in dispute based on Free Keene’s website postings, that the Robin Hoods coordinate their PEO and parking meter enforcement interventions by texting as well as using two-way radios, and that they video and audio tape the PEOs in the performance of their duties.

The PEOs have stated that the actions and behavior of the Robin Hoods have caused them to be physically touched and subjected to verbal abuse and intimidation tactics, resulting in occupational stress and considering quitting their jobs.

The Court

The city has chosen to pursue its legal remedies in civil court rather than criminal court because the burden of proof in civil court is a preponderance of the evidence, meaning that a judge or jury needs only to believe one side slightly more than the other. In criminal court, proof must be established beyond a reasonable doubt. To understand the distinction, think about the results of the O.J. Simpson murder trials: not guilty in criminal court, but held accountable for two murders and damages in the civil suit.

The city does not have a meter feeding ordinance and is not seeking to stop the Robin Hoods from putting coins in expired meters to prevent the issuance of parking tickets. Nor is the city attempting to limit in any way the Robin Hoods’ rights of free speech or to stop the recording of the PEOs in the performance of their duties. The city is simply seeking an injunction to create a safe work environment for the PEOs of 50 feet, allowing them to perform their duties without fear of being physically touched, surrounded, harassed, verbally abused, intimidated, or subjected to undue employment related stress.

The decision of the Superior Court of New Hampshire whether to grant the 50-foot injunction in the case of City of Keene vs. James Cleaveland, et. al., and provide the Keene municipal PEOs a safe work environment is of national importance to government-operated public parking and of interest to all municipal, utility, and parking authority members of IPI. 



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