



CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 18, 2019

CASE NUMBER: 2018OPA-0839

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy	Not Sustained (Lawful and Proper)
# 2	5.001 - Standards and Duties 11. Employees Shall Be Truthful and Complete in All Communication	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 Named Employee incorrectly wrote her a parking ticket before her one-hour parking limit expired. She further alleged that the Named Employee was potentially dishonest when he said that the Complainant and her family were seen moving a portable no-parking sign and then illegally parking in that location.

SUMMARY OF INVESTIGATION:

The Complainant initiated her complaint via OPA’s online complaint form. Following receipt of her complaint and based primarily on her allegation that Named Employee #1 (NE#1) may have been dishonest in his communication with the Complainant, OPA initiated this investigation.

At the outset of this investigation, OPA interviewed the Complainant to confirm the information that she provided in her online complaint form, as well as to obtain additional details about the incident. According to the Complainant, in August 2018, she and her family were visiting Seattle and stopped at Pike Place Market to shop. In doing so, they parked on a nearby street where one-hour parking was authorized during that time. The Complainant reported knowing that this was the case because she observed a fixed sign posted at that location detailing the hours of legal parking. The Complainant stated that her family parked their car at 10:00 a.m., and returned at approximately 10:59 a.m. At that time, they encountered NE#1, who had just finished issuing them a parking ticket. The Complainant also noticed that there was now a portable “No Parking” sign positioned behind the rear of their car. The Complainant stated that the portable sign was not there when they parked. When the Complainant attempted to explain their situation to NE#1, she stated that NE#1 told her that a Pike Place security officer told him that someone from their car moved the portable sign prior to illegally parking in that spot. The Complainant denied doing, both at the time and during her OPA interview. The Complainant told OPA that her family never saw any portable signs prohibiting parking near where they parked. The Complainant believes that they should not have been issued a ticket that day because they were lawfully parked. The Complainant contended that either NE#1 or the security officer lied about how the sign ended up behind her family’s car. At the conclusion of her interview, OPA noted that the Complainant listed her husband and son as witnesses to this incident and asked her if she believed they had additional information to provide to OPA. The Complainant informed OPA that they did not.



The Complainant sent OPA a photograph of a one-hour fixed parking sign that she claimed was in close proximity to where they parked. The photograph she provided portrayed a sign affixed to the wall of a building that showed that parking was allowed from 10:00 a.m. to 4:00 p.m. The photograph did not depict where the Complainant's car was parked in relation to that sign, but it appears to be the same fixed sign as shown in the parking ticket photos taken by NE#1, which was located on the building directly in front of where the Complainant's car was parked.

OPA located and interviewed the Pike Place Security Officer (PPSO) who was involved in this incident. The PPSO stated that, on the day in question, he made his early morning rounds of the market area and confirmed that the temporary "No Parking" signs were properly in place. When the PPSO returned later, he noticed that one of the signs was missing and that a car with Utah plates was illegally parked where the sign had been. The PPSO then stated that he put the sign back near the front of the Utah car, informed his supervisor about the illegally parked car, and returned to his normal duties. The PPSO returned to the area later in response to an altercation that he heard from a distance. He witnessed a man from the Utah car yelling at NE#1. The PPSO responded by placing himself between the man who was "very confrontational" and NE#1. The PPSO told the man that he needed to calm down and show NE#1 some respect. The PPSO recalled the man saying that it was "bullshit" and that they never saw the sign. The PPSO stated that he told the man that his statement was a lie because there were multiple signs in that area. After that argument ended, the people from in the Utah car drove away. The PPSO stated that his supervisor may have moved the no-parking sign after he did, but the PPSO never saw NE#1 move the sign.

Considering the information obtained during the PPSO's interview, OPA contacted the Complainant and asked her if her husband was available for an interview, and she replied that he was not.

OPA also interviewed NE#1. NE#1 works for SPD as a Parking Enforcement Officer. NE#1's primary assignment is the Pike Place Market. NE#1 recalled issuing the ticket to Complainant's vehicle. NE#1 was called to the area where the Complainant's car was parked by a Pike Place Market security guard. From what NE#1 remembered, the security guard called to tell him that there were three or four cars parked illegally where the portable "No Parking" signs had been previously placed. The security guard asked NE#1 if he would go to the area and take care of the situation. After arriving, NE#1 verified that the portable signs were properly issued and assigned. NE#1 stated that he confirmed that by using his mobile device. After confirming that information, NE#1 proceeded, per policy and training, to begin issuing tickets. After issuing a ticket to the Utah car, NE#1 stated that he was approached by a man from that car who started yelling at him about the ticket. NE#1 recalled that one of the security guards from the market intervened and threatened to place the man in handcuffs if he refused to calm down. NE#1 attempted to de-escalate the situation by speaking to the Complainant and explaining the purpose of the ticket. NE#1 also told her that he did not want to see the man placed in handcuffs by the security officer. NE#1 recalled that the Complainant acted calm while he spoke to her, but that the man was still very angry. Ultimately, the man and Complainant got into their car and drove away. NE#1 detailed to OPA the lawful reasons supporting the ticket that he issued to the Complainant's car and denied that anything he did was improper. NE#1 stated that he has no idea whether the Complainant or anyone in her family had anything to do with moving the sign prior to his arrival, but confirmed that the sign was in front of their car when he arrived. NE#1 stated that he recalled telling the Complainant that one of the security guards from the market believed that the sign was moved by one of three or four cars that were illegally parked at that location. NE#1 denied telling the Complainant that someone from her family was the individual who moved the sign.

OPA obtained a copy of the ticket and the attached photographs. The ticket was issued for parking between the hours of 6:00 a.m. and 3:00 a.m. The photographs show the Complainant's car and the portable "No Parking" sign in the background near the rear of the car.



ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy

SPD Policy 5.001-POL-2 requires that employees adhere to laws, City policy, and Department policy. As discussed above, the Complainant claimed that NE#1 knowingly issued an unlawful ticket to her car. However, this allegation is not borne out by the available evidence.

NE#1 issued the Complainant a ticket for parking in a restricted area, not for parking for longer than one-hour, as the Complainant believed. Though it is possible that the Complainant never saw the sign that precluded parking in that area, OPA found no evidence indicating that NE#1 knew about the Complainant's purported confusion at the time he issued the ticket.

Here, NE#1 acted consistent with policy and his training when he issued the ticket. He verified that it was a restricted area, spoke to the security guard, and completed a thorough investigation prior to taking parking enforcement action. As such, there is insufficient evidence to establish that he violated the law, City policy, or Department policy in any respect.

For these reasons, I recommend that this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained (Lawful and Proper)**

Named Employee #1 - Allegation #2

5.001 - Standards and Duties 11. Employees Shall Be Truthful and Complete in All Communication

SPD Policy 5.001-POL-11 requires Department employees to be truthful and complete in all communications.

The Complainant alleged that either NE#1 or the security officer lied to her when they accused her and her family of moving the portable "No Parking" sign to park her vehicle in an illegal spot. NE#1 stated that he told the Complainant that a security guard believed that occupants from one of the three or four cars that were illegally parked may have moved the sign. NE#1 denied telling the Complainant that anyone specifically saw someone from the Complainant's family move it.

Based on the evidence gathered by OPA, it appears that the PPSO may have accused someone from the Complainant's family of moving the sign when he interacted with the Complainant's husband during the husband's alleged outburst at NE#1. However, OPA does not have jurisdiction over the PPSO, even if it could be proven that what he said was deliberately inaccurate. Ultimately, OPA finds no evidence supporting the Complainant's allegation that NE#1 was dishonest during this incident.

For the above reasons, I recommend that this allegation be Not Sustained - Unfounded.

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