




CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 11, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0273

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.140 - Bias-Free Policing 5.140-POL 2. Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded
# 2	15.180 - Primary Investigations 15.180-POL 5. Officers Shall Document all Primary Investigations on a Report.	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 Named Employee #1 (NE#1) issued her a backdated vehicle tow notice, after the issuance date and deadline to move the vehicle expired. The Complainant also alleged NE#1 acted based on the Complainant being in an interracial relationship.

SUMMARY OF INVESTIGATION:

On August 23, 2022, the Complainant filed an online OPA. The complaint said, on the morning of August 23, 2022, the Complainant found a citation on her car stating her vehicle violated the 72 hours parking ordinance and would be towed if it were not moved by August 15, 2022. The Complainant alleged the notice was dated August 12, 2022. The Complainant also alleged the notice was not on her vehicle the day before, listed an address to a nearby closed business, and nearby workers suggested a parking enforcement officer served the notice that morning. The notice listed NE#1 as the issuing officer. The Complainant also stated, two months prior, NE#1 ticketed and towed her car the same day, but that ticket was cancelled and her impound fee refunded. The Complainant felt "targeted and harassed" by NE#1 and speculated NE#1 was motivated by the Complainant being in an interracial relationship.

OPA opened this investigation. During its investigation, OPA reviewed the complaint, information from the city's "Find it Fix It" application, a Customer Service Request (CSR) Service Request Summary Report, NE#1's citation log (August 7 - August 15, 2022), NE#1's timesheet (August 17 - August 29, 2022), and photographs provided by the Complainant and NE#1. OPA also interviewed the Complainant and NE#1.

a. Documentary Evidence

The "Find It Fix It" application and CSR Report showed the citation was initiated by a community member's complaint about the Complainant's vehicle. The CSR was made August 1, 2022, and recorded August 12, 2022, at 10:57AM as



the first contact date with the vehicle. The CSR report documented the vehicle was chalked and tagged. The CSR report recorded September 9, 2022, at 10:02AM as the second contact and noted “[v]ehicle moved to a different spot on the same block. Tag not visible. Chalk not visible on tires.” The CSR was closed. The CSR report showed that information was input by someone other than NE#1.

OPA also reviewed a copy of NE#1’s timesheet, which NE#1 provided at her OPA interview. The timesheet showed NE#1 was either not working or on vacation August 20 - August 23, 2022.

OPA received photographs from the Complainant and NE#1. The Complainant provided two photographs of a heavily wrinkled, white, or possibly faded light green notice. The writing on the Complainant’s photographs was faded, making the notice date difficult to read. NE#1 also provided two photographs. The first showed a bright orange notice underneath the windshield wiper of a vehicle. The writing on the notice was clearly legible. The notice date was “8/12/22” and time was “11AM.” The second photograph depicted a full side view of the Complainant’s vehicle with the orange notice visible under the windshield wiper and chalk marks visible on the driver side front tire. When comparing the notices depicted in the photographs provided by the Complainant and NE#1, the legible portions of the writing appear to be identical. There was no explanation about why the citation’s color was different in the photographs provided by the Complainant versus those provided by NE#1.

b. OPA Interview – Complainant

On August 30, 2022, OPA interviewed the Complainant. The Complainant’s interview was consistent with her online OPA complaint. The Complainant stated she regularly parks her car in the area where she received the notice. The Complainant said she checks her car every day. The Complainant said, on August 23, 2022, she checked her car and saw the tow notice, which was not on her vehicle the day before. The Complainant said the notice was dated August 12, 2022, and stated the car needed to be moved by August 15, 2022, or else it would be towed. The Complainant said she moved her car but could not understand the dates on the notice. The Complainant stated she was sure the notice was not there when she checked her car the prior day.

The Complainant also said, in March 2022, her car was ticketed and towed the same day. The Complainant said she fought that ticket in court, it was cancelled, and she was refunded the impound fee. The Complainant said NE#1 also issued the March 2022 ticket.

The Complainant said she and others observed other vehicles parked on the same street for the same length of time as her car, but she was the only one being cited. The Complainant said she felt “unfairly targeted.”

c. OPA Interview – Named Employee #1

On November 30, 2022, OPA interviewed NE#1.

NE#1 said she was a Seattle parking enforcement officer for fourteen years. NE#1 said she was assigned to a specialty unit called the Abandoned Vehicle Squad. NE#1 said her regular work involved using a phone application to respond to customer service requests.



NE#1 said, on August 12, 2022, she responded to a customer service request involving the Complainant's vehicle. NE#1 said she located the vehicle and tagged it with an orange "72-hour" tag. NE#1 showed OPA photographs submitted with the CSR complaint to identify the subject vehicle. NE#1 also gave OPA photographs showing the notice and a sideview of the vehicle. NE#1 stated the photographs were date and time stamped.¹

NE#1 denied familiarity with the vehicle prior to August 12, 2022. NE#1 explained she "usually see[s] around 60 or 70 vehicle a day that I go out and check on." NE#1 stated she later learned, after reviewing records, she previously cited the same vehicle. NE#1 stated the previous citation was also based on a CSR in March 2022. NE#1 denied familiarity with the owner of the vehicle. NE#1 denied bias playing a role in the decision to notice the vehicle. Instead, NE#1 said she put a notice on the vehicle because she "got a customer service request, and I was doing my job as a parking enforcement officer." NE#1 stated "I deal with vehicle and not people. Like, tag the vehicle with the orange sticker, not people."

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.140 - Bias-Free Policing 5.140-POL 2. Officers Will Not Engage in Bias-Based Policing

The Complainant alleged NE#1 engaged in bias-based policing by targeting her based on her interracial relationship.

SPD policy prohibits biased policing, which it defines as "the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws as well other discernible personal characteristics of an individual." SPD Policy 5.140-POL. This includes different treatment based on the race of the subject. *See id.*

Here, no evidence suggests NE#1 targeted the Complainant based on race or any other discernable personal characteristic. Both contacts NE#1 had with the Complainant's vehicle were initiated through a CSR, rather than NE#1's discretion. Moreover, there is no evidence NE#1 was familiar with the Complainant, aware of the Complainant's race, or her boyfriend's race. Further, the Complainant acknowledged she speculated NE#1's motive, where her online OPA complaint stated, "idk if that is it or not." Finally, even if other vehicles parked on the same street were not issued notices, the likely explanation is that someone in the neighborhood filed CSRs only against the Complainant's vehicle.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained - Unfounded**

Named Employee #1 - Allegation #2

15.180 - Primary Investigations 15.180-POL 5. Officers Shall Document all Primary Investigations on a Report.

The Complainant alleged NE#1 issued her a backdated vehicle tow notice.

¹ NE#1's union representative stated the report and photographs were from the "CSR system" and "everything is time stamped, and this is pulled directly from the database of work that's been completed by a parking enforcement officer." The union representative also stated the purpose was so "we can go back in and follow up on work that we've already done."



SPD Policy 15.180-POL-5 requires that officers document all primary investigations on a Report. All reports must be complete, thorough, and accurate. See SPD Policy 15.180-POL-5.

As a preliminary matter, it is unclear whether SPD policy 15.180-POL-5 applies to parking enforcement officers as this section of the manual concerns “primary investigation.” The Complainant’s general allegation—that the dates on her notice were incorrect—should more likely have been classified under SPD Policy 16.230 – Issuing Tickets and Traffic Warnings.

However, even assuming SPD Policy 15.180-POL-5’s accuracy requirements apply to a parking enforcement officer issuing tow notices, the preponderance of the evidence shows NE#1 issued the notice on August 12th as documented on the notice, in the CSR report, “Find It Fix It” application, and photographs from the CSR Report.² Additionally, NE#1 was not working on August 23 or the three days preceding it. OPA finds it improbable NE#1 issued a notice on her vacation day. Circumstantially, OPA also notes the photograph of the notice provided by the Complainant appeared heavily wrinkled, and possibly so weathered that its color bleached or faded in the sun.³

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained - Unfounded**

² It does not appear that the photographs, as sent to OPA by NE#1, were themselves timestamped. Instead, OPA relies here on the statements made by NE#1 and her union representative that the photographs were date and timestamped when uploaded to the CSR report. Even without the conclusive timestamped photographs, OPA’s finding here would be unchanged given the other documentation in the CSR Report, “Find It Fix It” application, and statement by NE#1.

³ Historical weather data for Seattle provided by timeanddate.com shows weather in Seattle August 15 - 23, 2022 was mostly dry (with some rain indicated only on August 19), sunny, and extremely hot—high temperatures fluctuated between 77- and 86-degrees Fahrenheit, and five days had high temperatures above 80-degrees Fahrenheit).