



## ***CLOSED CASE SUMMARY***

ISSUED DATE: FEBRUARY 28, 2023

FROM: DIRECTOR GINO BETTS   
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER:

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

#### **Named Employee #1**

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties 5.001-POL 7. Employees Engaged in Department-Related Activities Identify Themselves When Requested	Not Sustained - Inconclusive
# 2	5.001 - Standards and Duties 5.001-POL 2. Employees Must Adhere to Laws, City Policy and Department Policy	Not Sustained - Lawful and Proper

#### **Named Employee #2**

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties 5.001-POL 7. Employees Engaged in Department-Related Activities Identify Themselves When Requested	Allegation Removed
# 2	5.001 - Standards and Duties 5.001-POL 2. Employees Must Adhere to Laws, City Policy and Department Policy	Allegation Removed

***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 Complainants alleged Named Employee #1 (NE#1) and Named Employee #2 (NE#2) improperly ticketed them and failed to provide their names and badge numbers.

### **SUMMARY OF INVESTIGATION:**

Complainant #1 filed an online OPA complaint alleging the "[p]arking enforcement officer who was riding passenger" in a PEO vehicle failed to identify himself and "scoffed" at her.

OPA opened an investigation. During its investigation, OPA interviewed Complainant #1, Complainant #2, NE#1, and NE#2. OPA also reviewed the citations issued by NE#1 and NE#2 and Seattle Municipal Court records.

#### ***a. OPA Interviews – Complainant #1 and Complainant #2***

The Complainants told OPA Complainant #1 made the OPA complaint, but Complainant #2 drove the vehicle and was the registered owner.



Complainant #1 stated he and Complainant #2, were parked in front of a brewery unloading boxes. Complainant #1 stated a uniformed Parking Enforcement Officer (PEO) ticketed them for parking in a loading zone despite them unloading. Complainant #1 said he asked the PEO if they could move the vehicle, but the PEO ignored him. Complainant #1 also said the loading zone sign was broken with only “25% of the sign left,” so it was unclear. Complainant #1 also said the PEO failed to provide his name.

Complainant #2 recalled parking in front of her workplace as she and Complainant #1 unloaded kegs, beer, and empty boxes. Complainant #2 stated the loading zone sign was damaged. Complainant #2 said a PEO approached her and stated only trucks were allowed to park there. Complainant #2 said she told the PEO she worked at the business and was unloading items. Complainant #2 stated, nevertheless, the PEO ticketed her. Complainant #2 said Complainant #1 asked PEO’s name and serial number, but the PEO ignored the request.

The Complainants stated they lost the citation the PEO issued Complainant #2.

*b. Settle Municipal Court Records and Citation Package*

Seattle Municipal Court records showed Complainant #2’s vehicle was issued a parking citation on June 10, 2022, for violating SMC 11.72.435 (“[PASSENGER VEHICLE] IN TRUCK ZONE.”)

The Citation Package showed NE#1 cited Complainant #2’s vehicle for violating SMC 11.72.435 (“TRUCK LOAD ZONE-PASSENGER VEHICLE.”) It included pictures that showed Complainant #2’s vehicle—a hatchback/SUV “crossover”—was parked directly next to a sign. The sign was partially damaged but clearly stated “30 MINUTE TRUCK LOAD ONLY 7AM-6PM” [illegible due to sign damage.] The sign also had a red partial image of a towed car. Complainant #2 was also parked along a bright yellow line painted on the ground:<sup>1</sup>



<sup>1</sup> OPA cropped the original picture to remove possibly identifying information.



The Citation Package also included a copy of the citation. The citation listed the cited SMC section and stated, "IMPOUND. 30 MINUTE TRUCK LOAD ONLY 7AM – 6PM. TOW AWAY ZONE. NO TRUCK PLATES. PICTURE TAKEN." It had NE#1's name, serial number, and signature. The citation was issued June 10, 2022, at 5:18pm.<sup>2</sup>

*c. OPA Interviews – Named Employee #1 and Named Employee #2*

OPA interviewed the named employees. Both stated they were partnered on the date in question, alternated issuing citations, and each wrote approximately sixty citations that shift.

NE#1 reviewed Complainant #2's citation and confirmed he issued it. NE#1 recalled speaking with a male and female prior to issuing the citation, but stated it was not a long interaction. NE#1 stated he did not recall either complainant requesting his name or serial number, but said, if they had, he would have provided it. Moreover, NE#1 stated his name and serial number were written on the citation. NE#1 stated it took about a minute to write the citation, and when one of the complainants claimed ownership of the vehicle it was already written. NE#1 stated he did not remember the interaction as problematic, noting he addressed their concerns professionally and respectfully.

NE#2 did not recall the encounter and stated he believed NE#1 wrote the citation. NE#2 stated he and NE#1 record citations under their own names and serial numbers. NE#2 stated when a community member asks for his name, he provides it.

**ANALYSIS AND CONCLUSIONS:**

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

***5.001 - Standards and Duties 5.001-POL 7. Employees Engaged in Department-Related Activities Identify Themselves When Requested***

The Complainant alleged NE#1 failed to identify himself when asked.

SPD Policy 5.001-POL-7 requires that SPD employees engaged in department related activities "provide their name and Department serial number verbally, or in writing if requested." SPD Policy 5.001-POL-7.

OPA cannot determine by a preponderance of the evidence whether NE#1 violated this policy. Both complainants stated NE#1 failed to do so. NE#1 stated he did not recall either complainant asking him to identify himself, but stated he would have done so and reminded the complainants his information was written on the citation. Both complainants stated they lost the citation.

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

Recommended Finding: **Not Sustained - Inconclusive**

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<sup>2</sup> June 10, 2022 was a Friday. It was not a parking holiday. See Free Parking Days, available at <https://www.seattle.gov/transportation/projects-and-programs/programs/parking-program/paid-parking-information/free-parking-days>.



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**Named Employee #1 - Allegation #2**

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

The Complainants alleged NE#1 unlawfully cited Complainant #2's car.

Employees must adhere to laws, City policy, and Department policy. SPD Policy 5.001-POL-2.

NE#1 cited Complainant #2 under SMC 11.72.435. That section states:

*No person shall stop, stand, or park a passenger vehicle, including truck-licensed taxicabs, in a truck load zone during the hours the zone restriction is in effect: Provided, that passenger vehicles other than taxicabs which are commercial vehicles may stop, stand, or park in a truck load zone as provided in Section 11.74.020: Provided further, that truck load zone restrictions are not effective on Sundays or parking holidays except where otherwise indicated by signposting for the load zone.*

Here, Complainant #2 parked her passenger vehicle in a truck loading zone on a business day during restricted hours. Nor did Complainant #2's vehicle appear to be a properly modified, licensed, and marked "commercial vehicle" as defined by SMC 11.14.115. Overall, OPA found the citation was lawfully issued.

OPA acknowledges possible ambiguity about the restricted hours due to the end hour was cut off, leaving no indication of AM or PM. However, the restricted hours clearly started at "7 AM" and the end time displayed "6," before the AM/PM section was cut off. Whether the end time was "6 PM" or "6 AM" (presumably the following day), 5:18 PM was within either restricted period.

Accordingly, OPA recommends this allegation be Not Sustained – Lawful and Proper

Recommended Finding: **Not Sustained - Lawful and Proper**

**Named Employee #2 - Allegation #1**

**5.001 - Standards and Duties 5.001-POL 7. Employees Engaged in Department-Related Activities Identify Themselves When Requested**

At the intake stage, OPA was unable to confirm which named employee cited Complainant #2. Later, OPA interviews and the Citation Package established NE#1 was the subject of the complainants' allegations. Accordingly, OPA removed this allegation against NE#2.

Recommended Finding: **Allegation Removed**

**Named Employee #2 - Allegation #2**

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

For the reasons set forth at Named Employee #2, Allegation #1, OPA removed this allegation.

Recommended Finding: **Allegation Removed**