




CLOSED CASE SUMMARY

ISSUED DATE: APRIL 12, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0349

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 – Standards and Duties POL-6. Employees May Use Discretion	Not Sustained - Unfounded
# 2	5.001 – Standards and Duties POL-10. Employees Will Strive to be Professional	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 Named Employee #1 (NE#1)—a parking enforcement officer—was unprofessional when he responded to her in a “rude and angry” manner. The Complainant also alleged NE#1 abused discretion when threatened to ticket her for parking in a disabled spot without a displayed placard.

ADMINISTRATIVE NOTE:

Seattle’s Office of Inspector General certified this investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

On October 25, 2022, OPA interviewed the Complainant. She said on October 14, 2022, she parked in a restaurant’s parking spot reserved for disabled drivers. The Complainant said a medical condition required her to use the restroom immediately, so she parked in the only available spot so she could use the restaurant’s bathroom. After she used the bathroom, the Complainant said she got in line to order but saw NE#1. The Complainant told NE#1 she would move her car, and the following exchange occurred:

NE#1: Oh, you’re not supposed to be parked there, you don’t have a placard.

Complainant: I’m a diabetic. I had to use the restroom really quick, and I’m moving my car right now.

NE#1: Well, you shouldn’t be parked there if you don’t have a placard.

(The Complainant said she looked at NE#1 and “kind of rolled her eyes.”)



NE#1: Oh, if you roll your eyes at me again, I'm going to give you a ticket, and it's \$400...¹

Complainant: I'm moving my car.

The Complainant described NE#1's behavior as "kind of a rage." Specifically, she said NE#1 "raised his voice." The Complainant said she moved her car, reentered the restaurant, and ate, as did NE#1. There was no further interaction with NE#1. The Complainant acknowledged her vehicle did not display a placard for parking in a spot reserved for disabled drivers. She also confirmed NE#1 did not ticket her. The Complainant gave OPA photographs she took of NE#1 and his work vehicle.

On January 17, 2023, OPA interviewed NE#1. He said he was assigned to the boot squad, responsible for booting vehicles with multiple outstanding tickets. NE#1 said he was also authorized to issue parking tickets. NE#1 also said parking enforcement officers have discretion about issuing a ticket, verbal warning, or courtesy notice.

Parking enforcement officers are unequipped with body-worn video, so there was no video of the encounter.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.001 – Standards & Duties – 6. Employees May Use Discretion

The Complainant alleged NE#1 abused discretion by threatening to ticket her.

"Employees are authorized and expected to use discretion in a reasonable manner consistent with the mission of the department and duties of their office and assignment." SPD Policy 5.001-POL-6. Further, "Discretion is proportional to the severity of the crime or public safety issue being addressed." *Id.*

Here, the evidence suggests NE#1 issued a verbal warning to the Complainant. Although NE#1 was authorized to issue the Complainant a \$450² ticket, he refrained and settled on a warning despite her rolling her eyes at him. Therefore, NE#1 appeared to exercise empathy rather than abuse discretion.

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

Recommended Finding: **Not Sustained - Unfounded**

Named Employee #1 - Allegation #2

5.001 – Standards and Duties POL-10. Employees Will Strive to be Professional

NE#2 allegedly directed unprofessional comments at CM#1.

SPD employees must "strive to be professional." SPD Policy 5.001-POL-10. Further, "employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers...." *Id.*

¹ The Complainant did not hear the exact amount NE#1 said but heard four hundred and something dollars.

² SMC 11.72.065(C) – In Marked Disabled, No Placard: \$450 citation.



Here, the Complainant alleged NE#1 directed three statements at her:

- 1) *NE#1: Oh, you're not supposed to be parked there, you don't have a placard.*
- 2) *NE#1: Well, you shouldn't be parked there if you don't have a placard.*
- 3) *NE#1: Oh, if you roll your eyes at me again, I'm going to give you a ticket, and it's \$400...*

Although there is no video to gauge NE#1 tone or delivery, OPA cannot conclude those statements are reasonably likely to “undermines public trust in the Department, the officer, or other officers.” Particularly when NE#1 had a legal right to ticket the Complainant but did not.

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

Recommended Finding: **Not Sustained - Unfounded**