



CLOSED CASE SUMMARY

ISSUED DATE: SEPTEMBER 30, 2024

FROM: DIRECTOR GINO BETTS, JR. 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0176

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 - Inconclusive
# 2	5.001 - Standards and Duties POL-10. Employees Will Strive to be Professional	Not Sustained - Training Referral

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, engaged in bias-based policing and was unprofessional by ticketing the Complainant before asking him to move his vehicle and, two minutes later, ticketing the Complainant again.

ADMINISTRATIVE NOTE:

On August 29, 2024, OIG certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

On March 29, 2024, the Complainant called 9-1-1 to report being issued two parking tickets based on racial discrimination. An SPD officer and SPD sergeant responded to the scene. The Complainant—who identified as Black—said he was singled out due to his race. The Complainant said he was parked when NE#1 put a parking ticket on his window without speaking to him. The Complainant said he asked NE#1 why he had not asked him to move his vehicle, and NE#1 responded that he would issue the Complainant another ticket if he spoke again. The Complainant said that NE#1 cited him again shortly after that. The Complainant believed NE#1 might have remembered the Complainant from a previous time he issued him a ticket.

OPA investigated the complaint, reviewing the computer-aided dispatch (CAD) call report, incident report, BWV, and parking ticket court packages. OPA also interviewed Witness Employee #1 (WE#1), a parking enforcement officer, and NE#1. OPA attempted to contact the Complainant multiple times by mail and telephone without a response.

CAD Call Report, Incident Report, and BWV

The responding SPD sergeant filed the OPA complaint. The Complainant's allegations were consistent with the CAD call report, incident report, and BWV. In the complaint, the SPD sergeant noted that the Complainant was ticketed twice within minutes. The responding SPD officer wrote an incident report.



Court Packages

The court package for the first ticket showed that NE#1 cited the Complainant on March 29, 2024, at 6:52 p.m. for "BLOCKING/OBSTRUCTING TRAFFIC" violating SMC 11.72.035.¹

The court package for the second ticket showed NE#1 cited the Complainant on March 29, 2024, at 6:54 p.m. for the same offense. NE#1 wrote the following:

Private Note
VEHICLE EXTENDS 25 FT INTO 50 FT WIDE ROADWAY/PACED. I HINKED TWICE AND THE DRIVER TO NOTIFY THEM TO MOVE. THE DRIVER NOT ONCE LOOKED UP UP ME OR ACKNOWLEDGE ME, I THEN WROTE THE TICKET AND PLACED IT ON THE WINDSHIELD. THE DRIVER THEN STEPS OUT AND TELLS ME THAT I HAVE BEEN FOLLOWING HIM AROUND ALL DAY AND THAT I KEEP WRITING HIM TICKETS AND THAT IF I WRITE HIM ONE MORE HE WILL REPORT ME. I TOLD HIM OK BUT HE STILL NEEDS TO MOVE THE VEHICLE. HE TOLD ME NO THAT IT WILL STAY THERE AND THAT IF I WRITE HIM AGAIN HE WILL REPORT ME. WE CONTINUED THIS BACK AND FORTH FOR A WHILE AND I PROCEEDED TO WRITE ANOTHER TICKET. I GAVE HIM MULTIPLE VERBAL WARNINGS TO MOVE THE VEHICLE THAT HE CANNOT BLOCK THE TURNING LANE AND STILL REFUSED TO MOVE THE VEHICLE. TOLD HIM I WILL WRITE A SECOND TICKET. I WROTE IT AND LEFT.

NE#1 attached a photograph to each parking ticket showing the Complainant's car in the roadway.

Witness Employee #1's OPA Interview

OPA interviewed WE#1, a parking enforcement and field training officer supervisor, as an expert witness on parking enforcement training and procedures. WE#1 has worked for the department for over seventeen years.

WE#1 described the classroom and field training aspects of becoming a parking enforcement officer. She noted that "it's not standard practice" to write two citations for the same offense to a community member. WE#1 also stated parking enforcement officers are "absolutely not" trained to remain in their vehicles and honk at community members. WE#1 also said that officers are trained to contact a supervisor or police if confronted by a motorist who is upset about a ticket rather than engaging in a "back-and-forth." Instead, an officer should "just leave at some point. They just . . . have to leave." WE#1 characterized NE#1's decision to cite the Complainant twice as "a little heavy-handed" or "retaliatory." WE#1 elaborated, "Stacking tickets is not something we train people to do. One ticket is usually enough. Even the magistrate tells them that."

WE#1 indicated that the trained, or ideal, response would have been to approach the vehicle, ask the driver whether everything was alright, and ask why the driver was illegally parked. The officer should then explain that the motorist was blocking traffic and instruct them to move their vehicle. WE#1 stated that if the motorist refused to move, the officer should inform the motorist they would be cited. WE#1 stated that if the motorist refused to move, the officer should cite them and "move on." WE#1 elaborated, "You're not going to sit there and hold court and go back and forth because that's not what we're training people to do."

Named Employee #1's OPA Interview

NE#1 has worked as a parking enforcement officer for "a little over a year now, about a year and four months."

¹ "No person shall park a vehicle upon or along any street and exit such vehicle when traffic will be unreasonably obstructed thereby, or when, in areas designated for angle parking, the vehicle is of such a length as to obstruct the sidewalk or the adjacent moving traffic lane. Violation of this section constitutes a parking violation rather than a moving traffic violation." SMC 11.72.035. Violation of this section results in a \$47 parking ticket. See Schedule for Selected Parking Infraction, available at <https://www.seattle.gov/documents/Departments/Court/SCLRIR6.2bparking.pdf>.



NE#1 said he saw the Complainant's vehicle parked in a turning lane, so he went "in front of the vehicle, and I honked the horn." NE#1 said the Complainant did not look up, so he honked again without a response. NE#1 said he saw the Complainant looking down, so NE#1 assumed the Complainant was on the phone. NE#1 exited his patrol vehicle, photographed the Complainant's vehicle, wrote the citation, and put it on the windshield. NE#1 said the Complainant exited the car and said, "Whoa, I'm in the vehicle. You know, I'm – you can't give me a ticket." NE#1 said he explained the ticket, but the Complainant told NE#1 that he would not move. NE#1 said he asked the Complainant to move or receive another citation. NE#1 said the Complainant responded, "Well if you issue me a second citation, I'm going to report you." NE#1 said they had a brief back-and-forth conversation, followed by NE#1 ordering the Complainant to move his vehicle and the Complainant refusing. NE#1 said he issued the Complainant a second citation, returned to his patrol vehicle, and drove off.

NE#1 said he possibly ticketed the Complainant on a prior occasion. NE#1 stated he honked at the Complainant because it was "unsafe to actually get out of the vehicle and go – you know, and start writing tickets within the turning lane, right? Honking horns is a way of communication for two people within a vehicle to notify each other."

NE#1 acknowledged being trained to issue verbal warnings when the driver is inside a vehicle, but he described it as an "option" rather than a requirement. He stated he issued the second ticket because "we still need the vehicle to move, right? We need compliance... to move the vehicles." He also acknowledged being trained to issue a ticket and leave, but he characterized this as "an option."

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 that NE#1 mistreated him due to his race.

SPD prohibits bias-based policing, defined 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 treatments based on the race of the subject. *See id.* Officers are forbidden from (i) making decisions or taking actions influenced by bias and (ii) expressing any prejudice or derogatory comments concerning personal characteristics. *See* SPD Policy 5.140-POL-2.

For reasons below at Allegation #2, NE#1's actions were inconsistent with training and policy. That said, there is insufficient evidence to establish that NE#1 was motivated by bias. NE#1 denied being racially motivated, and there was no evidence or allegation of prejudicial or derogatory comments directed at the Complainant. Moreover, the Complainant did not offer any reason for suspecting that NE#1 was motivated by race.

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

Recommended Finding: **Not Sustained - Inconclusive**



Named Employee #1 - Allegation #2

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

The Complainant alleged that NE#1 was unprofessional.

SPD employees must “strive to be professional.” SPD Policy 5.001-POL-10. Additionally, “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers,” whether on or off duty. *Id.* Moreover, employees must “avoid unnecessary escalation of events even if those events do not end in reportable uses of force.” *Id.*

NE#1 fell short of the department’s professionalism standards. Employees are expected to “treat all people with dignity,” focusing on “community caretaking” and “not always command and control.” SPD Policy 5.001-POL. The “guiding principle” is to “treat everyone with respect and courtesy, guarding against employing an officious and overbearing attitude.” *Id.* While he may have intended to enforce the traffic code and unblock traffic, NE#1’s approach likely lost an opportunity to gain the Complainant’s voluntary compliance.

NE#1 attempted to get the Complainant’s attention by honking his horn twice. NE#1 explained that he thought it was too dangerous to walk in the street. However, when honking his horn was unsuccessful, NE#1 exited his vehicle anyway and immediately wrote a ticket rather than asking the Complainant to relocate. When the Complainant objected, NE#1 engaged in a “back and forth” rather than leaving or summoning assistance. Instead, NE#1 ticketed the Complainant again. While NE#1 said he did it to achieve compliance, he immediately left with the Complainant parked in the same spot after the second citation.

As WE#1 noted, by honking his horn, not first requesting the Complainant move, “stacking tickets,” and engaging in a back-and-forth (rather than leaving or requesting aid), NE#1 deviated from training and expectations, unnecessarily causing a negative experience for a community member.

NE#1’s relative inexperience is the primary reason OPA recommends additional training rather than a sustained finding. Accordingly, OPA recommends this allegation be Not Sustained – Training Referral.

- Training Referral: **NE#1’s supervisor shall discuss OPA’s findings with OPA and provide additional training or counseling deemed necessary. Any further training or counseling shall be uploaded and maintained in IAPro.**

Recommended Finding: **Not Sustained - Training Referral**