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Investigative Informative Case Synopsis

FILE NO: 22-0140-C

SUBJECT MATTER: Multiple Parking Complaints Received

STATUS: Final

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November 15, 2022
Date of Completion

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November 16, 2022
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January 11, 2023
Date of Approval

DISTRIBUTION:

- Honorable Mayor**
- President City Council**
- Chief Administrative Officer**
- City Councilors**
- Director Council Services**
- City Attorney**
- Department Director**
- Members, Accountability and Government Oversight Committee**
- File**

EXECUTIVE SUMMARY

The Office of Inspector General (OIG) has received numerous complaints since August 1, 2022, related to the City of Albuquerque (City) Parking Division (Parking). Several of the complaints allege that Parking Enforcement Officers are not issuing citations for vehicles that violate parking ordinances.

According to City Ordinance 2-17-2, the Inspector General's goals are to (1) Conduct investigations in an efficient, impartial, equitable, and objective manner; (2) Prevent and detect fraud, waste, and abuse in city activities including all city contracts and partnerships; (3) Deter criminal activity through independence in fact and appearance, investigation and interdiction; and (4) Propose ways to increase the city's legal, fiscal and ethical accountability to insure that tax payers' dollars are spent in a manner consistent with the highest standards of local governments.

The OIG determined that the allegations contained elements of potential fraud, waste, or abuse and that it was appropriate for the OIG to conduct a fact-finding investigation. The purpose of the investigation was to determine if the Parking Enforcement Officers were failing to cite parking violations per the City ordinances.

As a result of the investigation, the OIG was not able to substantiate the allegation that the City's Parking Enforcement Officers were not citing vehicles per City ordinances.

ABBREVIATIONS

City: City of Albuquerque
OIG: Office of Inspector General
Parking: Parking Division
PDM: Parking Division Manager
PEO: Parking Enforcement Officer

INVESTIGATION

Background

The Office of Inspector General (OIG) received ten (10) complaints during the month of August related to the City of Albuquerque (City) Parking Division (Parking). Several of the complaints allege that Parking Enforcement Officers (PEOs) are not issuing citations for vehicles that violate parking ordinances. In addition, many of these complaints were isolated to a specific neighborhood located within the limits of the City of Albuquerque.

These complaints were received by the OIG via the OIG's online tip and reporting form and the OIG's email: TipsNow@cabq.gov. These complaints were all concerning parking violations and some were originally submitted to 311. As a result, when the complaints were received by the OIG, some included 311 reference numbers. The OIG found that the complaints submitted to 311 were submitted via SeeClickFix, which powers the City's ABQ311 Mobile App. The ABQ311 Mobile App allows citizens to report various issues, such as graffiti, weed complaints, missed trash pick-ups, and more. It is another avenue for citizens to submit complaints and concerns to 311. 311 operators then create a ticket and send it to the applicable City department when an issue is reported.

Allegation: Parking Enforcement Officers are not citing violations and claim they cannot locate, find or see vehicles that are reported. The Parking Enforcement Officers also indicate "no violations found" when vehicles are in clear violation.

Authority: Albuquerque Code of Ordinances; CHAPTER 8: TRAFFIC CODE; ARTICLE 5: STOPPING, STANDING AND PARKING § 8-5-1-1 STOPPING, STANDING OR PARKING PROHIBITED NO SIGNS REQUIRED.

No person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the law or the directions of a police officer or traffic control device, in any of the following places:

- (B) On a sidewalk.
- (C) Within three feet of a public or private driveway.
- (D) Within an intersection.

Analysis:

The OIG reviewed two (2) complaints related to vehicles parked on a sidewalk. Both complaints alleged the same violation by the same vehicle and at the same location. Both complaints mentioned 311 reference numbers. The OIG reviewed the CRM 311 system which revealed that these complaints were initially submitted to 311 on the same date, with one complaint received at 6:55 AM via SeeClickFix and the second complaint received at 4:51 PM via SeeClickFix. Concerning the first complaint, the Parking Division Manager (PDM) stated that “One Citation was issued according to Supervisor from the response from Officer.” Regarding the second complaint, the PDM stated “This case was found with no violations”. A photo was also provided showing no vehicles parked on the sidewalk.

The OIG reviewed three (3) complaints related to vehicles parked within three (3) feet of a driveway. Each of these complaints stated that the Parking Enforcement Officers (PEO) who went out to investigate the allegations were not able to locate the vehicles alleged to be in violation.

With regard to the first complaint, the PDM stated that the alleged violation was not an actual violation in action when the officer arrived on location. However, the PDM informed the OIG that this vehicle was cited a few days later for parking too close to the curb. The PDM further stated that anytime Parking is asked to patrol an area, they also try to promote education on the parking ordinances and violations so that citizens have the chance to correct the issue and become more informed. The PDM also stated that not every time will a written warning be given or a citation issued.

With regard to the second complaint, the PEO reported that no vehicle matching the description in the complaint was on site when the PEO arrived. As a result, no citation was issued at that time. The PDM explained to the OIG that the PEOs must see the alleged offense firsthand. Even if photos are provided with the complaint, the PEOs cannot issue a citation based on photos. When a PEO responds to allegations of a violation of the parking ordinance, there is the possibility that the violation may not be present when the PEO arrives. As a result, the PEO may report “no findings.”

With regard to the third complaint, the PDM stated that incorrect information may have been provided because the two cross streets mentioned do not intersect. The PDM stated that perhaps the information provided was meant to reference a different street with a similar spelling. As a result, the PDM reported that the PEO could not find the alleged violation. The PDM further explained that when responding to a complaint of an alleged parking violation, the PEO will canvas the area but they are not obligated to “read between the lines” if incorrect or incomplete information was provided in a complaint. However, if a PEO is called out to an area in response to a complaint and finds other violations in the area, they will cite those vehicles.

The OIG reviewed two (2) complaints related to vehicles parked within an intersection. The same PEO responded to both complaints. In both of these instances, the PEO used their discretion based on what they observed and did not feel that the vehicle in question was impeding the flow of traffic or causing any obstructions. As a result, the PEO did not issue any citations.

The OIG spoke with the PDM regarding the numerous complaints received. The PDM explained that PEOs attempt to respond to 311 complaints within twenty-four (24) hours, depending on staffing and when the complaints are received. If a complaint is received after 4:00 PM on Saturdays, then the complaint will not be addressed until the following Monday. The PDM reiterated that even if the reported alleged violation is not found if PEOs see other violations of the Ordinance, the PEO will issue a citation. The PEOs also try to provide education to the citizens on the Ordinance and what would be considered violations.

The OIG also spoke with the Division Manager for the City's 311 operations regarding the SeeClickFix application and complaints that are submitted through SeeClickFix. The OIG learned that when a user submits a complaint through SeeClickFix there is no specific category for Parking and therefore, the user would select "Other". All complaints submitted to the "Other" category are worked by 311 staff who route them to the appropriate department. If a complaint is sent to 311 after hours or on the weekend, staff routes the complaint as quickly as possible when staff is available. The Division Manager also informed the OIG that there is currently only one employee who handles the complaints that are submitted through the SeeClickFix app, and that person's schedule is 8:00 AM to 5:00 PM, Monday through Friday.

Allegation Conclusion: The OIG was not able to substantiate the allegation that the City's Parking Enforcement Officers are failing to cite vehicles per City ordinances. For a citation to be issued, PEOs must observe the violation firsthand.