



OFFICE OF INSPECTOR GENERAL
City of Albuquerque

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Investigative Informative Case Synopsis

FILE NO: 24-0033-C, 24-0037-C, 24-0039-C, 24-0040-C, 24-0041-C, 24-0048-C, 24-0053-C, 24-0058-C, 24-0062-C, 24-0071-C, 24-0072-C, 24-0075-C, 24-0076-C, 24-0077-C, 24-0078-C, 24-0079-C, 24-0080-C, 24-0081-C, 24-0082-C, 24-0084-C, 24-0085-C, 24-0086-C, 24-0087-C, 24-0089-C, 24-0092-C, 24-0093-C, 24-0094-C, 24-0096-C, 24-0105-C, 24-0106-C, 24-0124-C

SUBJECT MATTER: Parking Enforcement Officers failing to perform duties in violation of City laws, regulations, and policies.

STATUS: Final

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

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EXECUTIVE SUMMARY

The City of Albuquerque Office of Inspector General conducts investigations, inspections, evaluations, and reviews following Association of Inspectors General (AIG) standards.

City Ordinance 2-17-2 states the Inspector General's goals are to (1) Conduct investigations, inspections, evaluations, and reviews 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) Carry out the activities of the Office of Inspector General through independence in both fact and appearance, investigation and interdiction; and (4) Propose ways to increase the city's legal, fiscal and ethical accountability to ensure that tax payers' dollars are spent in a manner consistent with the highest standards of local governments.

As defined in the Inspector General Ordinance §2-17-3, fraud is the knowing misrepresentation of the truth or concealment of a material fact to induce another to act to his or her detriment. Waste is the thoughtless or careless expenditure, mismanagement, or abuse of resources to the detriment of the City. Abuse is the use of resources or exercise of authority that is contrary to rule or policy, or knowingly inconsistent with any established mission or objectives for the resource, or the position held by the person exercising the authority. Abuse does not necessarily involve fraud or illegal acts.

Between February 1, 2024, and April 12, 2024, the Office of Inspector General (OIG) received thirty (30) separate allegations of non-compliance with the City of Albuquerque (City) Parking Ordinance by Parking Enforcement Officers (E1, E2, E3, E4, E5 and E6) employed within the Parking Division of the Municipal Development Department (PRK). The allegations of abuse and waste include the failure to issue citations for violations of Parking Ordinance 8-5-1, false statements by Parking Enforcement Officers, not collecting all fines associated with violations, illegal behavior, and non-compliance with PRK policies.

The OIG determined that it was appropriate to conduct a fact-finding investigation for elements of fraud, waste, or abuse.

While some violations were confirmed, such as uniform policy breaches, others, like failure to issue citations, could not be substantiated due to logistical constraints. Recommendations were provided to address confirmed violations and enhance procedural clarity within the Parking Division.

Additionally, general observations highlighted the need for inter-departmental coordination to address ordinance discrepancies and streamline complaint processes, minimizing duplication of efforts and optimizing resource utilization.

Substantiated findings, general observations, and recommendations have been summarized as follows:

- **Finding:** Violations of the Parking Division Manual of Regulations and Orders Number 001 12(e)(5), 12(i)(3), and 12(m)(1).

Recommendation: Enforce uniform standards and update regulations accordingly.

- **Finding:** The OIG's investigation did reveal that a PRK representative acknowledged that additional training was required for one (1) Parking Officer. This acknowledgment provided the basis for the OIG to substantiate a violation of 302.2 Professional Excellence.

Recommendation: The Parking Division should document the required training for specified Parking Officers and require the Officer to sign off when the training is provided. Identified training should be implemented promptly to ensure that Officers are correctly identifying violations.

- **Observation 1:** Identified discrepancies between city ordinances necessitating inter-departmental review.

Recommendation: The City Council should spearhead an ordinance review initiative to ensure coherence and compliance.

- **Observation 2:** The OIG's investigation identified inefficiencies in the complaint process resulting in duplication of efforts.

Recommendation: Establish a transparent complaint routing system to minimize resource waste and ensure timely resolution.

ABBREVIATIONS

City: City of Albuquerque
E1: Enforcement Officer
E2: Enforcement Officer
E3: Enforcement Officer
E4: Enforcement Officer
E5: Enforcement Officer
E6: Enforcement Officer
E7: Enforcement Officer
E8: City Employee
OIG: Office of Inspector General
PRK: Parking Division of Municipal Development Department

INTRODUCTION

The mission of the Office of Inspector General (OIG) is to promote a culture of integrity, accountability, and transparency throughout the City of Albuquerque (City) to safeguard and preserve public trust. Investigations, inspections, evaluations, and reviews are conducted following AIG Standards.

Complaints

The OIG received thirty (30) complaints that included allegations of abuse, waste, and non-compliance with the City's Parking Ordinance and PRK policies. These allegations include the failure to issue citations for violations of Parking Ordinance 8-5-1 and the City's Code of Conduct, false statements by Parking Enforcement Officers, not collecting all fines associated with violations, illegal behavior, and non-compliance with PRK policies. Each allegation submitted to the OIG is reflected below (personally identifying information was removed from each allegation):

On February 1, 2024, the OIG received an anonymous allegation stating Parking Enforcement Officer E6 responded to a complaint of a vehicle parked in an intersection but did not cite violations of the City Ordinance. E6 committed perjury, violated terms of employment, and should be charged for at least one violation of the traffic code. E6 is willingly allowing illegally parked cars to remain illegally parked because they do not want to inconvenience the residents by not enforcing the law. E6 says the law does not apply to this type of Intersection.

On February 1, 2024, the OIG received an anonymous allegation stating Parking Enforcement Officer E4 responded to complaints of vehicles parked in the intersection and too close to the driveway but did not cite violations of the City Ordinance. E4 is going to tell you that the T-intersection is not an intersection and since it is not an intersection it does not have a crosswalk. They will also tell you it is a legal space in front of the house. If you ask them to show where it says these facts they can not show you. It does not exist. E4 is breaking the law by not enforcing the law.

On February 3, 2024, the OIG received an anonymous allegation stating Parking Enforcement Officer E7 responded to complaints of vehicles parked in the

intersection but did not cite violations of the City Ordinance. There were other cars in that intersection too and they did not ticket them either. E7 believes they can pick and choose the parking ordinances they believe they want to. E7 believes that people can park in an intersection because they do not want to give tickets to people in front of their houses or congested areas. They do not believe they have to do the job they are paid to do because they believe they are above the law. The only reason Officer E7 wrote the ticket they did was for a totally different reason. Officer E7 and all the other parking enforcement officers will not write a ticket for parking in an intersection if the intersection is a T intersection. E7 can and has not provided where in the law a law a T-intersection is not an intersection.

On February 3, 2023, the OIG received an anonymous allegation stating Parking Enforcement Officer E4 responded to a complaint of a vehicle parked in an intersection but did not cite the violations of the City Ordinance. Saying this is not an intersection E4 violated not only city but state law. E4 is either not educated properly or is doing this intentionally to allow illegal parking. E4 has not only wasted their time, residents' time, and city resources, and broke the law by not giving the car or cars in the intersection a ticket.

On February 6, 2024, the OIG received an anonymous allegation stating that E8 and the Parking Enforcement Division are indeed breaking the law, lying to the public, committing perjury, and misleading the Inspector General Office by not enforcing Ordinance 8-5-1-1 (C)(D)(F). E8 and parking enforcement officers continue to lie and commit perjury every time they say cars can park in the intersection because it is not an intersection, parked along the curb is legal, the officers used their discretion, and no violations at this time when vehicles are parked in the intersection. T-intersections are an intersection and the law says no parking in them no matter their shape or location. 8-5-1-1 (F) on or within 10' of the crosswalk. First, if a T-intersection has 3 legs of crosswalks even without an ADA ramp that means E8 is lying about there being no crosswalks on the top section of a T-intersection. E8 and Parking enforcement officers also violate the ordinance by measuring 10' from a crosswalk from the bottom not the top of the crosswalk. Unmarked crosswalks at an intersection go roughly 6' from the ramp edge on the furthest from the intersection heading outward from the intersection. E8 is wasting the city's time and resources to respond to these complaints and not do its job. The longer this goes on the more danger pedestrians are in.

On February 21, 2024, the OIG received an anonymous allegation stating City employees are lying, promoting false information, and failing to do jobs as assigned. These departments are putting the lives of residents and visitors safety in jeopardy. Having committed collusion these departments conspired to allow parking in residential neighborhoods and other parts of the city. They all say that you can park legally in an intersection. It is against city and state law to park within an intersection. Furthermore, it is against the law to park within 10-20 feet of a crosswalk at an intersection. Every intersection has crosswalks across all legs of the intersection. There is no clause that allows parking in any intersection. The traffic engineer can not blanket approve parking in an intersection. Parking along the curb at the top of the intersection is illegal. It is parking within an intersection. Cars are not parked legally in an intersection if they are not blocking traffic. They are parked illegally because they are blocking traffic because two vehicles can not use the

intersection at one time. They are parked illegally because a car parked at the top of a T-intersection blocks the line of sight of cars and pedestrians. Downstream 10 -20 feet from a crosswalk at an intersection, the crosswalk, the intersection is for safety not blocking traffic.

On February 24, 2024, the OIG received an anonymous allegation stating every corrupt parking officer will not issue parking tickets to cars parked within 3 feet of a driveway. Parking Enforcement Officers say cars can be within the driveway which is part of the driveway and not be in violation of within 3 feet. You can't park within 3 feet of the widest part of the driveway on the street. After many complaints, they still say these illegally parked cars are not in violation. Residential neighborhoods are designed smaller to minimize on-street parking to keep the areas where pedestrians are clear so they are safe because they can be seen by cars entering driveways from the street. It also ensures cars can get out of their driveway without the risk of hitting other cars which we can not.

On March 6, 2024, the OIG received an anonymous allegation stating Parking Enforcement officers allowed illegally parked cars and trailers to remain illegally parked and did not cite violations of the City Ordinance.

On March 7, 2024, the OIG received an anonymous allegation stating Parking Enforcement Officers refuse to write vehicles that have been red-tagged citations. Red tags are only a notice that the illegally parked vehicle is going to be towed if it is not moved to no longer being illegally parked. Red tag notices are not permission to keep the illegally parked vehicle to remain illegally parked until towed. Every day and every hour until the tow away date the vehicle is still to be cited. The only thing a red tag does is say you have 7 days until the city tows it.

On March 18, 2024, the OIG received two (2) anonymous allegations stating Parking Enforcement Officer E2 responded to a car parked in the intersection. E2 committed perjury, failed to do their job, committed violations, and HR violations by lying about the vehicle, failing to cite the vehicle, not complying with City ordinances, and not complying with the Code of Conduct.

On March 21, 2024, the OIG received two (2) anonymous allegations stating Parking Enforcement Officer E2 responded to a vehicle parking - in the intersection, on the crosswalk and did not cite violations of the City Ordinance.

On March 22, 2024, the OIG received two (2) anonymous allegations stating Parking Enforcement Officer E3 responded to a vehicle parked in the intersection and within 3 feet of the driveway and did not cite violations of the City Ordinance.

On March 25, 2024, the OIG received two (2) anonymous allegations stating Parking Enforcement Officer E4 had committed perjury, lied, placed the public in danger, and violated several counts of Personnel Rules & Regulations section 300 by not citing violations of City Ordinance.

On March 26, 2024, the OIG received two (2) anonymous allegations stating Parking Enforcement Officer E4 responded to vehicles in and around this area parked blocking driveways, opposite flow traffic, on sidewalks, and did not cite violations of the City Ordinance.

On March 27, 2024, the OIG received two (2) anonymous allegations stating Parking Enforcement Officer E4 responded to a vehicle parked within the intersection and did not cite violations of the City Ordinance.

On March 27, 2024, the OIG received an anonymous allegation stating that E5 told other parking enforcement officers not to enforce the law. E5 also told the owners of an RV that parking enforcement will not cite their RV for a specified time allowing them to illegally park their RV completely blocking the sidewalk in violation of the City Ordinance.

On March 29, 2024, the OIG received an anonymous allegation stating Parking enforcement is releasing booted vehicles after paying only the boot fee and not collecting all fees and fines as required by 8-5-2-8 RELEASE OF VEHICLES; FEES.

On March 29, 2024, the OIG received an anonymous allegation stating that an unidentified parking officer took a picture while driving using a handheld electronic device.

On March 29, 2024, the OIG received an anonymous allegation stating Parking Enforcement Officer E1 responded to a vehicle parked within 3 feet of the driveway and did not cite violations of the City Ordinance.

On March 29, 2024, the OIG received an anonymous allegation requesting to know when additional training was going to take place stating that E3 is still not recognizing 3 feet from a driveway and within an intersection. Albuquerque is already one of the most dangerous places for a pedestrian and the longer this illegal activity goes on the longer the public is in danger.

On March 30, 2024, the OIG received an anonymous allegation stating that a Parking enforcement officer was out of uniform. No department shoulder patches on the uniform shirt. This violates the parking policy section 5(e) which states both shoulders will have a department shoulder patch and 8-1-3-7 Citations issued by uniformed, on-duty officers.

On April 3, 2024, the OIG received an anonymous allegation stating that E1 responded to a vehicle parked in the intersection but did not issue a citation. When can we expect the parking enforcement division to enforce Ordinance 8-5-1-1 (D)?

On April 11, 2024, the OIG received an anonymous allegation stating that E2 responded to a vehicle parked within an intersection but did not issue a citation.

On April 12, 2024, the OIG received an anonymous allegation stating that parking is not enforcing the law because they are working on a "variance" to allow cars on this street to park illegally. Parked on the sidewalk.', ", "Why is a variance necessary? Each detached duplex has the required off-street parking as per the IDO. Each home has 2 garages and one parking space. 3 or more bedrooms only require 3 off-street parking spaces. Unless the City Council and the Mayor change the law

a variance won't mean anything anyway. If they do choose to change the law that will only change the fact that parking can no longer issue tickets leaving it to the Albuquerque Police to write tickets in any variance zone under state law. Parking is required to write tickets in any case according to current law. Meanwhile, we can not walk down the street because you allow our neighbors to park on the sidewalk.

Background

PRK manages several parking structures and lots providing maintenance and repairs of facilities, attendant services, customer support, and oversees parking enforcement services. PRK also oversees parking meter operations including revenue collections, installations, and repairs, and provides management of parking facilities for the City, including parking enforcement activities for businesses, government agencies, and the public subject to City Ordinance 8-5-1.

The OIG issued Investigative Reports 22-0140-C and 22-0183-C on January 11, 2023, identifying concerns related to the interconnectedness of City Ordinances and making recommendations for improvement to ensure PRK could enforce violations under Ordinance 8-5-1. A neighborhood meeting was held by PRK and Council Services with the community to educate them on the parking ordinance. PRK advised that they would be following the Ordinance and that regulatory changes make it difficult to create an ordinance to accommodate the various areas addressed in the Parking Enforcement Ordinance.

SCOPE AND METHODOLOGY

The scope of the investigation involved the performance of certain procedures to assess whether there was non-compliance with City Ordinances, policies, and procedures. The methodology consisted of:

- Review and assess the complaints
- Obtain and review ordinances, policies, and procedures
- Review SeeClickFix 311 re: Parking

This report was developed based on information from interviews, inspections, observations, and the OIG's review of selected documentation and records available during the investigation.

INVESTIGATION

Allegations:

1. Alleged violations of Parking Division Manual of Regulations and Orders Number 001 regarding requirements for Officer Uniforms.
2. Alleged violations of City Articles 1 and 5 for failure to issue parking citations.
3. Alleged violations of City Code of Conduct Sections 301.1 duty to the Public, 302.2 Professional Excellence, and 301.9 false statements/fraud.
4. Alleged waste of City resources and Taxpayer monies
5. Alleged violation of §8-5-2-8 by not collecting all fines associated with a vehicle boot.

Authority:

Parking Division Manual Regulations & General Orders Number: 001

Code of Conduct § 301.1, §301.2, §301.9

Article 1 §1-1-5

Article 1 §8-1-1-1 to §8-1-1-3-10

Article 5 §8-5-1-1

Article 5 §8-5-2-8

Article 17 §2-17-3

Evidence:

Complaints

Citations

SeeClickFix 311

Analysis of Policies and Procedures, Ordinances and Evidence:

In conducting our investigation, the OIG considered the following as a basis for the OIG analysis of each allegation.

Policies and Procedures:

The Manual Regulations & General Orders Number 001 section 12(e)(5) states “authorized department badge patches will be embroidered on the top left right below the shoulder area. There shall be authorized Department badge patches on each shoulder of the uniform shirts. (No other patches or insignias shall be worn on uniform shirts.)”

Section 12(i)(3) states “The authorized Department patch will be worn on the left and right sleeves of the shirts, windbreakers, jackets, and coats.”

Section 12(m)(1) states “It is mandatory for all Parking Enforcement Officers to wear the armored body vest under the uniform shirts at all times while on duty”

The OIG’s investigation discovered seeclickfix.com responses stating ‘This is a new hire awaiting uniforms but is currently wearing an officer vest complete with badge. The officer had a Polo with the name under the body armor and the Dept Patch on the left side of the Polo. An enforcement badge was also on the armor, so the officer was dressed in the assigned uniform.’

Based on the response, the described uniform did not comply with sections 12(e)(5), 12(m)(3), and 12(i)(1) of the Manual Regulations and General Orders Number 001.

301 Code of Conduct

301.1 Duty to the Public: The City of Albuquerque is a public services institution. In carrying out their assigned duties and responsibilities, employees must always remember their first obligation is to the general public's safety and well-being. This obligation must be carried out within the framework of federal, state, and local laws.

Employees shall serve the public with respect, concern, courtesy, and responsiveness, recognizing service to the public is the reason for their employment. Telephone calls, correspondence, or other communications should be answered promptly or referred to appropriate individuals for timely action.

It is recognized it is not always possible to fulfill all of the requests of the general public, however, employees are required to handle all requests and inquiries courteously, fairly, impartially, efficiently, and effectively.

301.2 Professional Excellence: Employees are encouraged to strive for personal and professional excellence as a means of keeping current on relevant issues and administering the public's business with professional competence, efficiency, and effectiveness.

301.9 False Statements/Fraud: No employee shall willfully make any false statement, certificate, mark, rating, or report in regard to any test, certification, appointment, or investigation, or in any manner commit any fraud, conceal any wrongdoing or knowingly withhold information about wrongdoing in connections with employment with the City or in connection with the work-related conduct of any City employee.

The OIG reviewed the complaints in conjunction with Section 301.1 and was not able to obtain adequate evidence that alleged uncited parking violations put the public in danger. Photographs of alleged parking violations do not provide proof of violations. The OIG acknowledges that photographs can be taken from different angles potentially creating the illusion of both compliance and non-compliance and are unreliable in evaluating violations. The OIG would have to be present with the Enforcement Officer at the site of the alleged violation to observe vehicles and measurements to ensure violations are properly cited.

The OIG obtained evidence that one Parking Officer had not kept current on relevant issues for administering the public's business with professional competence, efficiency, and effectiveness. The OIG did review responses to the SeeClickfix 311 reports that appeared to acknowledge that the situation had been reviewed by the parking enforcement division and that it was concluded that Officer E3 would need to complete some additional training.

The OIG was not able to obtain adequate evidence of parking violations and thus the OIG was unable to obtain adequate evidence that Parking Officers made willful false statements regarding the alleged violations.

Ordinances:

§ 1-1-5 DEFINITIONS.

(A) General rule. Words and phrases shall be taken in their plain, or ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import. 9

(B) For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

MAY. The act referred to is permissive.

PERSON. Extends to and includes person, persons, firm, corporation, copartnership, trustee, lessee, or receiver. Whenever used in any clause prescribing and imposing a penalty, the terms PERSON or WHOEVER as applied to any unincorporated entity shall mean the partners or members thereof, and as applied to corporations, the officers or agents thereof.

SHALL. The act referred to is mandatory.

The OIG's review of section 1-1-5 reveals that the City's definitions are clear and not open to interpretation and it is mandated that identified violations be cited.

§ 2-17-3 DEFINITIONS.

Waste is defined as the thoughtless or careless expenditures, mismanagement, or abuse of resources to the detriment of the City.

The OIG was unable to obtain evidence of waste by Parking Officers due to a lack of evidence of uncited parking violations.

8-1-1-1 OBEDIENCE TO TRAFFIC CODE REQUIRED.

It is a petty misdemeanor for any person to do any act forbidden or fail to perform any act required in this Traffic Code.

8-1-1-2 DEFINITIONS.

(A) For the purpose of this Traffic Code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(B) Words and phrases defined in state statutes that regulate the operation of vehicles will be understood to have the same meaning ascribed to them as in the state statutes unless otherwise defined in this code.

BLOCK. That portion of a roadway between two intersections.

DRIVER, MOTORIST, or OPERATOR. Every person who drives or is in actual control of a vehicle.

INTERSECTION. The area embraced within the prolongation or connection of the lateral curb lines, or if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

PARK or PARKING. When prohibited means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

PERSON. Every natural person including, but not limited to, any partner, officer, or trustee for any firm, copartnership, co-operative, association, corporation, estate, trust, receiver, club, company, joint venture, syndicate, firm, or other entity.

POLICE OFFICER. Every officer of the municipal police department or any person authorized by the Chief of Police to direct or regulate traffic or to make arrests for violations of traffic regulations or issue citations for parking violations.

STOP. Complete cessation of movement.

STOP INTERSECTION. An intersection in which the traffic is controlled by one or more stop signs.

STOP, STOPPING or STANDING. When prohibited, means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal, or other authority.

UNATTENDED VEHICLE. Any vehicle is unattended whenever a driver is not in a position or in adequate mental or physical condition to observe the vehicle at all times or is not in adequate mental or physical condition to drive the vehicle if necessary.

VEHICLE. Every device in, upon, or by which any person or property is or may be transported or drawn upon a roadway, except devices used exclusively upon stationary rails or tracks.

8-1-3-1 VIOLATION.

It shall be a violation of this Traffic Code to fail to perform any act required by this Traffic Code or to do any act prohibited by this Traffic Code.

8-1-3-10 CITATION ON A PARKED VEHICLE.

Whenever a motor vehicle without a driver is found in violation of this code or state law or parked or stopped in violation of any provision of Article 5 of this Chapter 8 of the code of ordinances or state law, the officer, parking enforcement officer, or security officer finding such vehicle **shall** take its license plate number and any other information which may identify its owner of use, and **shall** conspicuously affix to such vehicle a parking citation for the driver to answer to the charge alleged within ten days during the hours at the place, or by the method specified in the citation.

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:

- (A) Next to a curb which is painted either yellow or red.
- (B) On a sidewalk.
- (C) Within three feet of a public or private driveway.
- (D) Within an intersection.
- (E) Within 15 feet of a fire hydrant.
- (F) On a crosswalk or within ten feet of a crosswalk at an intersection.
- (G) Within 30 feet of the approach to any flashing beacon, stop sign, yield sign, or traffic control signal located at the side of a roadway, unless the Mayor or his designated representative has specifically, by markings or by parking meters, indicated parking to be permitted.
- (H) Between a safety zone and the adjacent curb, or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the Mayor or his designated representative has indicated a different length by signs or markings.

- (I) Within 50 feet of the nearest rail of a railroad crossing.
- (J) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance (when properly sign-posted).
- (K) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.
- (L) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- (M) Upon any bridge or other elevated structure upon a roadway or within a roadway tunnel.
- (N) Between the curb or edge of the roadway and the sidewalk.

The OIG was unable to obtain adequate evidence to support parking violations. Photographs of alleged parking violations do not provide proof of violations. The OIG acknowledges that photographs can be taken from different angles potentially creating the illusion of both compliance and non-compliance and are unreliable in evaluating violations. The OIG would have to be present with the Enforcement Officer at the site of the alleged violation to observe vehicles and measurements to ensure violations are properly cited.

§ 8-5-2-8 RELEASE OF VEHICLES; FEES.

(A) The Mayor shall order the release of an impounded vehicle at the city's expense pursuant to §8-5-2-10(E).

(B) In all other cases, upon proof of ownership and certification from the Mayor or the Chief that the vehicle is insured as required under state law, and an impounded vehicle shall be released only after direct payment of the accumulated impoundment charges and other required fines or fees by the owner or the owner's designee. The Chief will provide such certification upon receiving proof that the vehicle is insured as required under state law.

(C) An owner who desires a hearing on the validity of an impoundment shall request, and the garage shall issue, a receipt for the amount paid in satisfaction of impoundment charges.

(1) The owner shall forfeit the amount paid if: the owner fails to appear at the hearing before the city's Hearing Officer or, in the case of an appeal, before the District Court, or if it is finally determined, after the hearing or appeal, that the impoundment was valid.

(2) The owner shall be entitled to reimbursement from the city for the full amount paid upon presentation of the receipt required herein if, after hearing and appeal, if any, it is determined that the impoundment was not valid.

(D) Section § 8-5-2-1 et seq., do not authorize release of any vehicle held for investigation or as evidence of a crime or seized pursuant to state or federal law. Such vehicle shall be released only upon the written order of the police officer responsible for its impoundment or upon an affirmative written statement by the Chief that such vehicle is no longer needed for investigative or evidentiary purposes or forfeiture proceedings. The city shall bear the cost of towing and storage for such impoundments if the owner or any person operating the vehicle with his permission was not involved in any criminal activity that was any part of the reason for the impoundment. The burden of proving such lack of involvement shall be upon the person claiming it. The Chief or his designee may execute a Certificate of Release which shall function as one issued pursuant to § 8-5-2-5.

The OIG analyzed vehicles booted between January 1, 2024, and March 31, 2024, and fines collected. The OIG's analysis of the citations₁₂ and fines collected reflects that eighteen (18)

vehicles were booted for various citations, totaling \$11,630. Of the total citations and fees assessed, \$1,560 was addressed by Metro Court, \$100 was voided, \$4,650 is pending Metro Court Action, \$4,010 was paid and \$1,310 is outstanding from violators. The OIG reviewed the voided citations, noting they were voided for valid reasons. The OIG found no evidence to support that PRK was not collecting all valid fines for booted vehicles. Valid fines include all fines less voided citations or those dismissed by Metro Court.

FINDINGS AND RECOMMENDATIONS

Allegation 1:

Alleged violations of Parking Division Manual of Regulations and Orders Number 001 regarding requirements for Officer Uniforms.

Finding:

The OIG's investigation revealed that a newly hired parking enforcement was not wearing the required uniform with a department patch on the right and left sleeves of the shirts, windbreakers, jackets, and coats. Additionally, the officer was not wearing the armored body vest under the uniform shirt. The OIG was able to substantiate a violation of the Parking Division Manual of Regulations and Orders Number 001 12(e)(5), 12(i)(3), and 12(m)(1).

Recommendation:

The Parking Division should not permit newly hired employees without a complete uniform to go out into the public where they could encounter constituents.

If the uniform requirements have changed, the Parking Division should update its Manual of Regulations and Orders to reflect those changes.

Management's Response:

The Department agrees with the recommendation that Parking Division employees should wear approved uniforms when out in public. However, the referenced Parking Division Manual of Regulations and Orders is incomplete and not signed off by the Department Director. It is therefore not yet in use and is still subject to revisions. Therefore, the Department does not agree with the finding that the referenced employee's uniform or use of the armored vest were outside of guidelines.

The Department will ensure compliance by its employees with any uniform requirements set forth in complete and fully executed Manual of Regulations and Orders.

Allegation 2:

Alleged violations of City Articles 1 and 5 for failure to issue parking citations.

Finding:

The OIG could not substantiate violations of City Ordinances Article 1 and Article 5, §-8-5-1 for Parking Enforcement Officers' failure to cite parking violations because the OIG would have to

be present with the Enforcement Officer at the site of the alleged violation to observe vehicles and measurements to ensure violations are properly cited.

Allegation 3:

Alleged violations of City Code of Conduct Sections 301.1 Duty to the Public, 302.2 Professional Excellence, and 301.9 false statements/fraud.

Finding:

The OIG could not substantiate violations of Sections 301.1 and 301.9 because the OIG was not present with the Enforcement Officer for their review of the alleged violations.

The OIG's investigation did reveal that a PRK representative acknowledged that additional training was required for one (1) Parking Officer. This acknowledgment provided the basis for the OIG to substantiate a violation of 302.2 Professional Excellence.

Recommendation:

The Parking Division should document the required training for specified Parking Officers and require the Officer to sign off when the training is provided. Identified training should be implemented promptly to ensure that Officers are correctly identifying violations.

Management's Response:

The Department agrees that when Parking Officers receive training, a log should be kept to document the training and the Parking Officer should sign the log to document attendance at the training. While the Department does keep a log of training provided, it does not require Parking Officers to sign the log to affirmatively acknowledge training attendance. The Department will begin requiring Parking Officers to sign an attendance document when attending any mandatory training and will ensure that training is implemented promptly

Allegation 4:

Alleged waste of City resources and Taxpayer monies.

Finding:

The OIG could not substantiate waste as defined by Article 17 §2-17-3 because the OIG was not present with the Enforcement Officer ensuring that job duties were being performed.

Allegation 5:

Alleged violation of §8-5-2-8 by not collecting all fines associated with a vehicle boot.

Finding:

The OIG could not substantiate a violation of §8-5-2-8 for not collecting all citation and boot fines. The OIG's analysis reflects that valid fines were collected, pending payment, or pending court action.

GENERAL OBSERVATIONS AND RECOMMENDATIONS

Observation 1:

The OIG issued a report in January 2023 indicating discrepancies between City ordinances and recommended a multi-departmental review of certain ordinances and if necessary, a request for Legislative action as it relates to City Ordinances.

During this investigation, the OIG was advised that recommended departmental meetings were not continued due to a perceived lack of support from the City Council.

Recommendation:

The OIG recommends City Council spearhead an initiative for the review and recommendations as to the inter-related ordinances to ensure that adherence to one City Ordinance does not create non-compliance with another City Ordinance resulting in a detriment to the constituents or the City.

The OIG is aware that this is an enormous undertaking that will take significant time, however, it should be noted that periodic reviews and amendments will alleviate the risk of non-compliance as laws, regulations, and policies change over time.

Management's Response:

The Department cannot direct City Council to take any action and therefore cannot comment on this recommendation.

Observation 2:

The OIG's investigation revealed that there were requests for public information regarding parking violations. Allegations were then being submitted to up to four (4) different departments simultaneously, resulting in duplication of efforts on the part of the City potentially resulting in waste of public resources.

While it is not the OIG's intention to discourage constituents from filing complaints of fraud, waste, or abuse, it is necessary to have a process that does not create duplication of efforts that might result in the waste of public resources. The OIG website contains information that may be helpful in determining what fraud, waste, and abuse are and how to report it.

Recommendation:

The OIG recommends that the City create and implement a flow chart for determining where a complaint should be made and that the flow chart should be transparent to its constituents.

A complaint made through the 311 system, email, or any other reporting mechanism should be assessed and addressed promptly to avoid multiple submissions.

A reporting party should file their complaint at the appropriate level of the City Government and await the disposition. If timely disposition does not occur or the response is inadequate, the

reporting party should escalate the matter. Such a process would alleviate the potential for duplication of efforts on the same complaint.

Management's Response:

The Department agrees that the manner in which these continued allegations are submitted is duplicative and wasteful of the Department's limited resources. The Department believes that it has promptly addressed the plethora of complaints made through 311 and will continue to promptly address subsequent complaints as they are received. The Department supports change in the reporting system that would limit the waste of public resources due to duplicative allegations.

Note: If a report is made to the OIG and an investigation is initiated, a report will not be released until approved and published by the Accountability in Government Oversight Committee.