

MIKE SPANO
MAYOR

BRENDAN J. McGRATH
INSPECTOR GENERAL



CITY HALL
40 SOUTH BROADWAY
YONKERS, NEW YORK 10701
(914) 377-6107
FAX (914) 377-6990

CITY OF YONKERS
DEPARTMENT OF INSPECTOR GENERAL

TO: Mayor Mike Spano
Liam J. McLaughlin, Yonkers City Council President
Members of the Yonkers City Council

FROM: Brendan J. McGrath, Inspector General

DATE: March 16, 2015

RE: Parking Placard Use in the City of Yonkers

The Department of Inspector General (IG) for the City of Yonkers (City) commenced a comprehensive review of the use of parking placards in and around the City. Through various complaints both identified and anonymous, the IG has been made aware of what amounts to systemic abuse of placards for the purpose of evading various laws and rules relating to parking enforcement throughout the City.

Executive Summary

Throughout the City of Yonkers, there is an array of placards used by various organizations, the primary purpose of which is to avoid compliance with the various parking regulations. A review of the sources of these placards reveals that there are literally thousands of individuals possessing and presumably using the placards for a variety of purposes, mainly to avoid paying parking meters and to park in areas not otherwise permitted. The result of such use of placards is a significant loss in revenue to the City as well as a perception of disparate treatment among those in the community who possess a placard and those who do not.

As this report will show, there are appropriate uses for parking placards as well as appropriate procedures for their issuance. As a result of this comprehensive review, certain and immediate measures will be recommended, not the least of which is to call for an end of the practice of distributing and displaying all placards that are not issued and authorized through a legislative or executive procedure.

Background

Parking placards are commonly used by various municipalities and government agencies to identify individuals who are acting in their official capacity as an employee of such municipality or government agency. Most placards issued in this capacity require an employee to sign a statement and/or provide a purpose for the need of such placard, which normally relates directly to the employee's function within the municipality or government agency. Generally, placards do not authorize the holder to blatantly disregard applicable parking regulations.¹ However, the primary reason for a placard is to allow employees acting in their official capacity to undertake their duties expeditiously and that may sometimes require the employee to park in an area not otherwise permitted.

Municipalities have different processes for their placard program. For example, the City of Syracuse issues a placard which states that the bearer understands "that the use of this 'Official Vehicle Placard' is for work on City business only and not for personal use. This also does not give [the bearer] the right to park illegally or in violation of any City Ordinance and or Street Sign Posting." On the other hand, the City of White Plains does not issue official business placards and does not officially recognize placards of any type. Where placards are not issued, municipalities generally permit the employee acting in his/her official capacity to submit an "Affidavit of Official Business" to the ticket issuing authority to explain the circumstances under which the employee was performing official duties.

Abuse of parking placards has been an ongoing problem in the State of New York and various municipalities. In 2011, the New York State Inspector General's office issued a report outlining the abuse of "police" placards. As a result of the report, the number of New York State placards bearing the words "Police Vehicle Identification" was reduced from 1,730 to 261 by limiting their distribution solely to individuals with statutory police power. The report found that there were no clear policies or standards applied to the distribution of police or other official placards. Similarly, the City of New York undertook a concerted effort to root out abuse of a variety of official, semi-official and fraudulent placards. That effort resulted in a 56% reduction in placard distribution from approximately 144,000 to 63,000.

Among the recommendations contained in the New York State Inspector General's report was to create an application and approval process for the distribution of official placards, and to create a clear enforcement process to address those who abuse the privilege.

Official Placards in the City of Yonkers

In 2011, the City of Yonkers issued 166 official placards to a variety of City employees. In 2012, the Mayor's office undertook a significant review of existing official placards and reduced the number by half, to 83. Based on interviews with the Mayor's staff, it was learned that the reduction was based on requiring employees to fill out an application and justify their need for such a placard. The placards issued by the City are tied directly to vehicles through the

¹ Yonkers City Code §109-49(B) specifically states that all parking and traffic regulations apply to all federal, state and local government officials and provides for an exemption by way of an affidavit in support of an Official Business Defense.

license plate number; it indicates the department for which the employee works; it states the days and hours of the week for which the placard is valid; it is issued on an annual basis; and it must be returned upon completion of service or upon its expiration. There is an authentication sticker on the placard which assists in preventing fraudulent copies.

Neither the placards issued by the City, nor the application for their issuance, state that the bearer is responsible for obeying all parking enforcement and vehicle and traffic rules as is the case with the official placards issued by the City of Syracuse. Clearly, the reason for needing the placard may be so the bearer can park in an area that may otherwise not be legally accessible. The City should make it known that parking in violation of the posted parking rules is a last resort and that parking meters should be paid in accordance with the rules.

In the City, most placard applications are approved by a commissioner or department head and administered by the Office of the Mayor. The Fire Department and the Police Department have separate procedures for the issuance of placards discussed immediately below.

In an effort to limit the number of placards issued by the City, members of the various volunteer boards, commissions and task forces are permitted to use the affidavit of Official Business Defense as outlined in §109-49 of the City Code. This would address instances in which members have been issued a parking ticket while performing a function of their position pertaining to their service on a particular board, commission or task force.

Yonkers Fire Department

The Yonkers Fire Department, through the Commissioner, issues placards to all of its approximately 450 active members. The most recent placard was issued for a period of January 1, 2012 through December 31, 2014. The placard does have an identification number so it can be tracked internally but it does not identify the vehicle to which it has been assigned. Furthermore, the placard is not returned upon its expiration. Therefore, upon each placard expiring, there are 450 new placards issued to Fire Department members in addition to the existing ones.

Whether each member of the Fire Department needs a placard is debatable as most of the business of the Fire Department is conducted in vehicles that are clearly marked. There are a small number of unmarked vehicles operated by Deputy Fire Chiefs and the Commissioner that may require a placard to park in areas when responding to fires or other emergency situations.

However, the City is home to twelve fire stations that house the majority of the members of the Department, and while many of those stations have ample parking either on premises or unmetered and unregulated on-street parking, some do not. Fire headquarters on Nepperhan Avenue has on-site parking as well as street parking along Nepperhan Avenue. The stations located on Oak Street, Radford Street, Vark Street, Kimball Avenue, Fortfield Avenue, Central Park Avenue (441), and Shonnard Place all have some varying degrees of parking issues. To assist with those issues, the City has erected signs indicating that certain sections of adjacent streets are for Fire Department personnel only. In these cases, the placards are a valid way of identifying a vehicle belonging to an active member in the course of his or her duties.

In speaking with the Fire Commissioner, he indicated that issuing placards to all Fire Department personnel addresses the situations in which a member who is normally housed at a station with on-site parking is working a tour for a member at a house with parking issues. The current system obviates the need to get that member a placard. Further, the Commissioner indicated that the placards often are utilized by Department personnel who are attending training.

The Commissioner was advised of the potential for abuse of the placards and he agreed that certain procedural changes were necessary, including reducing the authorization to a one-year period and advising all members that such placards are to be used for Fire Department purposes only. Additional recommendations for the Fire Department placard are to have a specific vehicle assigned to the placard by way of a license plate number and to have all expired placards returned prior to the issuance of a new valid placard.

It is recommended that the Fire Commissioner seriously consider limiting the number of placards issued only to those that are necessary for parking in and around the fire stations where parking has been problematic. One potential way of limiting the placards would be to issue a number of placards to the stations themselves to be used only by on-duty members.

Yonkers Police Department

The Yonkers Police Commissioner authorizes and issues “Official Business” placards to all unmarked vehicles in the Department’s fleet. These placards are used in a variety of ways, most notably when officers are called to testify in the various courts in which their cases are prosecuted or in which they are witnesses.

Each placard is identified to a specific vehicle by displaying the license plate number. However, the placard does not have an expiration date. It is recommended that as a best practice initiative, the placard should be authorized for a one-year period and returned to the Commissioner upon expiration and prior to reissuance.

Yonkers Police Captains Lieutenants Sergeants Association

The Yonkers Captains Lieutenants and Sergeants Association (CLS) is one of two unions that distributes placards to its membership. According to the Union President, each member receives two placards as a matter of course and may receive additional placards upon request. The member is not restricted in his or her use of the placards, and in certain instances those placards are given to family members or other non-police personnel. The CLS has a membership of approximately 125. The placards do not contain a specific identifying number but they do identify the badge number of the member in whose name the placard was issued and the year in which it was issued. For example, if badge number 321 received placards in 2012 the numbers would read 12321. There is no expiration date on the placard and there is no vehicle attached to the placard. In essence they are valid for a lifetime.

One of the troubling aspects of the CLS placard is the fact that it reads “Yonkers Police” with “Official Business.” It also has a replica of the Yonkers Police patch. The look and the

content of this placard would lead any reasonable person to believe that the bearer of the placard is a Yonkers Police Officer acting in his or her official police capacity. The placard clearly gives the air of authentication and thus may violate State law. New York State penal law §190.26 prohibits the “display, without authority, of any uniform, badge or other insignia or facsimile thereof...” When acting in their official capacity, police officers already possess either a marked vehicle or a placard assigned to one of the unmarked vehicles in the Department’s fleet. The use of the placard by police personnel not acting in their official capacity as Yonkers Police officers could be seen as an abuse of authority.

Those instances when CLS placards are distributed to family members or other non-police personnel present a greater potential for violation of the NYS penal law as stated above. These individuals are not employed as police officers and possess an official looking placard which has the Yonkers Police Department emblem and states they are on “Official Business.”

Additionally, since these placards have no expiration date and do not need to be returned, there are an untold number circulating throughout the City. As will be discussed in more detail below, these placards have a value beyond their manufacturing cost. Allowing such placards to exist in perpetuity exacts a cost in real dollars as they allow the bearer to park anywhere in the City with virtual impunity.

We see no valid purpose served by these placards and would recommend their discontinuance immediately as well as the recall of all such placards currently in circulation.

Yonkers Police Benevolent Association

Similar to the CLS, the Yonkers Police Benevolent Association (PBA) distributes placards to its membership. The PBA has a membership of approximately 485 and each member receives 2 placards as a matter of course. The PBA placards also contain a Yonkers Police Department insignia. There is no restriction on how these placards are used or to whom they may be distributed.

PBA placards do not include an expiration date or any vehicle identification. Furthermore, our review discovered that a significant number of PBA placards exist bearing the name of the president who served that union more than 5 years ago. Thus it would be very difficult to determine just how many PBA placards are in circulation.

For the reasons outlined above in the CLS section, the use of this placard by non-police personnel could very well violate NYS Penal Law §190.26. In addition, the use of the placard by police personnel not acting in their official capacity as Yonkers Police officers could be seen as an abuse of authority.

Placards issued to law enforcement members are not unique to the City of Yonkers. However, based on a survey of other jurisdictions, it appears that the ticket-issuing authorities extend a “courtesy” to the bearer of these placards more readily in Yonkers. The reason for this courtesy is obvious in some cases, i.e. when the ticket-issuing authority is the police union member itself. In other cases, the information we have received indicates that there may be an

intimidation factor at play. For example, the Parking Enforcement Officers (PEOs) in the City issue the most parking tickets by a wide margin. These PEOs rely on the cooperation and assistance of the Yonkers Police Department in certain circumstances. The concern of the PEOs is that if they issue a ticket to a vehicle bearing the PBA or CLS placard, they may jeopardize that cooperative relationship.

As in the case of the CLS, we see no valid purpose served by these PBA placards and would recommend their discontinuance immediately as well as the recall of all such placards currently in circulation.

Yonkers Public Schools

The Yonkers Public School District (YPS) issues 18 official placards that are assigned to district personnel. The primary reason for the placards is to enable District personnel to park at the various school facilities visited in the course of their employment. These placards are issued through the Office of District Safety and Security. It is presumed that most, if not all of these individuals would otherwise have parking privileges (paid or not) at the Warburton Garage while working at One Larkin Plaza.

It has recently been reported that an increase in YPS placard use in and around One Larkin Plaza has seriously impacted the ability of the general public to find parking in proximity to the building. As stated above, all YPS employees should have parking available at the Warburton Garage and they should use that facility so that the parents and students needing to access One Larkin Plaza on a daily basis can find convenient on-street, metered parking.

The placards issued by the YPS do not identify the vehicle to which they are assigned and the placard does not have an expiration date. It is recommended that the placards issued to YPS employees be issued through the City as an Official City Placard and that its use be limited to those situations in which no other facility parking is available.

Miscellaneous Placards

Various placards issued by agencies outside the City of Yonkers are given courtesy by the ticket-issuing authorities in the City. For the most part, these consist of Federal agencies that have some business in the City of Yonkers, including the FBI, DEA and Postal Inspectors. Our review reveals that these placards are neither a significant nor consistent source of parking abuse. However, an effort should be made to have such placards registered with the Parking Violations Bureau or the Yonkers Parking Authority in order to track their numbers and use.

Community Impact of Placards

This Office has received various complaints by residents concerning the abuse of placards. Generally coming from highly populated, multi-family residential areas like the Downtown Business District and Sadore Lane (off Central Park Avenue), these residents complain of disparate treatment when it comes to the issuance of parking tickets. For example, a

complainant reported that 3 to 4 illegally parked vehicles in the vicinity of Sadore Lane were ticketed while a vehicle displaying a certain placard was not.

These types of incidents cause distrust between the residents and their government, which is required to enforce the law equally. Displaying a placard on an illegally parked vehicle puts the ticket-issuing officer in a difficult situation. Not knowing whether the owner of the placard-bearing vehicle is an actual on duty City employee or some family member or friend of such employee or someone who stole or forged a copy of the placard is impossible to know. The current practice is to not ticket the vehicle.

Parking enforcement rules serve a vital purpose. They allow for our streets to be cleaned and cleared of snow, for traffic to move in an orderly fashion, for public transportation to operate efficiently, for safe pedestrian traffic, and for the consistent turnover of parking spaces in commercial areas, among other things. For individuals to place a placard on their dashboard and disregard those rules is irresponsible, disrespectful and intolerable.

Economic Impact of Placards

For calendar year 2014, the City of Yonkers issued 174,822 parking tickets², collecting \$9,217,955.49. This is a significant source of revenue for the City.

In November of 2014, the Yonkers Parking Violations Bureau (PVB) undertook a survey of placards that were observed by their PEOs during that period and which, although violating various parking enforcement rules, the majority of vehicles did not receive a ticket because the placard bearing vehicle was given a “courtesy.” Excluding holidays and Sundays, the survey consisted of 26 days. During that period of time 1,131 placards were observed in vehicles which, if not for the placard, would have received a parking ticket. Of these 1,131, PEOs identified 477 current PBA placards and 248 placards bearing the name of the prior PBA president, for a total of 725 or 64% of the total placards³. Placards issued by the CLS were identified 69 times during this survey. Yonkers Fire Department issued placards were identified 109 times during the survey, although the survey did not indicate whether any of those placard displays were in areas adjacent to or in in the vicinity of fire stations. City of Yonkers issued official placards were identified in 82 instances during the 26 day survey.

For illustrative purposes only, using the month of November 2014, and PVB survey results of 1,131 observed placards and an average ticket costing \$50, the unissued tickets could have cost the City up to \$56,000 for the month. Using a conservative figure that 50% of the placards were legitimate, lost revenue for the month of November 2014 is approximately \$28,000. However, if a new policy as recommended herein is adopted and enforced, whereby no courtesy is given for unofficial placards and tickets are written on a consistent basis, the practice of illegal parking should be curtailed considerably.

² The breakdown by issuing authority is as follows: Parking Enforcement Officers – 143,428; Yonkers Police Department – 21,837; Yonkers Parking Authority – 9,345; Other – 212.

³ There were an additional 235 instances of a PBA sticker being displayed but that is not a subject of this review.

Revenue from parking meters is \$2,447,177 annually. The Yonkers Parking Authority relies on this revenue for continued operation and maintenance of their facilities. Individuals who park at meters and display their placard as an alternative to putting in a few coins is yet another source of lost revenue, which is difficult to estimate.

The Yonkers Parking Authority (YPA) also relies on revenue from parking permits for the various garages and lots which they operate. Among other things, these permits are held by City employees to park at the various YPA operated garages, including the Government Center Garage (GCG). City employees, regardless of whether they have an “official business” issued placard from the City, are required to pay a monthly permit fee to park in the GCG. During the course of this review, our office conducted a survey at the Cacace Justice Center and discovered that vehicles parked in the YPA lot had a variety of placards, including City-issued official placards. There were even vehicles displaying only photocopies of original placards. Apparently the Cacace Center lot is not aggressively monitored by the ticket-issuing authorities. This is another instance of inequality, while most City employees at GCG pay their monthly permit fee to the YPA, others do not.

Conclusion

It is clear from this review that many problems exist with respect to placards in the City of Yonkers. From both a community and economic impact, which are not necessarily mutually exclusive, the problem needs to be corrected. Improvements can be made in the administration of officially issued placards and a conversation must begin to undertake changes in policy of distributing unofficial placards.

This report is not intended to be an indictment on any City of Yonkers employees, including the uniformed services, its unions or any of its members. Placards, both official and unofficial have been used for decades for a variety of purposes. This report intends to shed light on the potential for abuse and therefore will hopefully serve as a tool for change. This office appreciates the complete cooperation of both the Police Commissioner and the Fire Commissioner, the staff at PVB, the President of the CLS along with many others that helped with the compilation of numbers, data and other valuable information.

Recommendations

1. There must be recognition of an “Official Placard” in the City of Yonkers. Such placard must be approved by the Office of the Mayor. The Mayor may designate certain Departments to handle their placard administration but at a minimum all placards must contain a license plate number of the placard-bearing vehicle, the Department for which the vehicle or its owner is assigned, an expiration date not more than twelve months in duration and an authentication marking to prevent copies or fraudulent placards.
2. It is recommended that the procedure outlined in No. 1 above, be adopted in legislative form. Policies or Executive Orders are helpful but there is no substitute for a codified provision of law. More importantly, any proposed law or subsequent

amendments to such law would require approval of the City Council and the Mayor and allow for public participation. Any proposed law should take into consideration and incorporate the provisions of Yonkers City Code §109-49 relating to the applicability of traffic and parking regulations to all government officials.

3. It is recommended that the City continue its policy of permitting volunteer members of boards, commissions and task forces to utilize the Official Business Defense affidavit in lieu of issuing placards to this group of individuals. The affidavit has proven effective in the past and undoubtedly reduces the number of placards required to be issued by the City.
4. Official placards issued by the City should contain a signed statement by the employee that indicates the bearer is responsible for obeying all parking and vehicle and traffic laws. A placard should not be a tool for evading the law but seen as a last resort in instances where no alternative exists when carrying out an appropriate function of City government.
5. All placards that are not "Official" as contemplated above at No. 1 should be considered unauthorized and all ticket-issuing authorities shall enforce all parking rules and vehicle and traffic laws as if the placard-bearing vehicle were not displaying any placard at all.
6. The placards currently distributed by the PBA and CLS are of questionable legality and their use should be discontinued and placards recalled immediately.
7. In the absence of legislation as contemplated in No. 2 above, the City should create or designate an enforcement unit to investigate the use of unofficial placards.