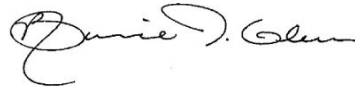


Issued Date: May 15, 2026

From: Director Bonnie Glenn
Office of Police Accountability



Case Number:2025OPA-0321

Allegations of Misconduct & Director's Findings

Named Employee #1

1. **Allegation #1: 5.170 Alcohol and Substance Use – POL – 3 – Employees Shall Submit to Test for Intoxication When There are Indications of Impairment.**

Finding: Not Sustained - Unfounded

Named Employee #2

1. **Allegation #1: 5.170 Alcohol and Substance Use – POL – 3 – Employees Shall Submit to Test for Intoxication When There are Indications of Impairment.**

Finding: Sustained

- **Proposed Discipline: Written Reprimand to Eighteen Hours (2 Days) Suspension**
 - **Imposed Discipline: Written Reprimand**
-

Named Employee #3

1. **Allegation #1: 5.170 Alcohol and Substance Use – POL – 3 – Employees Shall Submit to Test for Intoxication When There are Indications of Impairment.**

Finding: Not Sustained - Unfounded

Named Employee #4

1. **Allegation #1: 5.170 Alcohol and Substance Use – POL – 3 – Employees Shall Submit to Test for Intoxication When There are Indications of Impairment.**

Finding: Not Sustained - Unfounded

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections may be written in the first person.

Executive Summary:

Witness Employee #1 (WE#1)—a parking enforcement officer—was operating a parking enforcement scooter on a street when he collided with a bicyclist who rode in front of him. Although WE#1 did not show indicators of impairment, the named employees (NE#1 through NE#4)—who are part of WE#1's chain of command—ordered WE#1 to undergo an impairment evaluation. An anonymous complainant alleged that the named employees unlawfully ordered WE#1 to undergo this evaluation. OPA also investigated whether Named Employee #5 (NE#5)—an unknown employee—failed to ensure that SPD policies concerning impairment testing conformed with Washington Administrative Code (WAC) 357-37-200 and other applicable laws, policies, and collective bargaining agreements.

Administrative Note:

On January 7, 2026, the Office of Inspector General certified OPA's investigation as thorough, timely, and objective.

Summary of the Investigation:

OPA investigated this incident by reviewing the OPA complaint, dashboard camera, computer-aided dispatch (CAD) call report, body-worn video (BWV), police traffic collision report (PTCR), WE#1's written statement, SPD memorandum, and drug influence evaluation report. OPA also interviewed a Seattle Parking Enforcement Officers' Guild (SPEOG) representative, the named employees, and a Traffic Collision Investigation Squad (TCIS) acting sergeant.

A. OPA Complaint

On August 12, 2025, an anonymous complainant submitted an OPA complaint, alleging that NE#2—an assistant chief on the incident date—unlawfully ordered WE#1 to undergo an impairment evaluation following a nonpreventable collision. The complaint stated that despite the lack of probable cause to detain WE#1 for over three hours, a Kirkland Police Department (KPD) drug recognition expert (DRE) evaluated WE#1 for impairment. The complaint also stated that many officers involved in collisions were not compelled to undergo this evaluation.

Although the OPA complaint specifically identified NE#2, OPA also investigated whether other employees in WE#1's chain of command—namely, NE#1, NE#3, and NE#4—unlawfully ordered WE#1 to undergo an impairment evaluation.

B. The Collision

A community member's dashboard camera captured the following:

On July 17, 2025, a bicyclist rode in the bicycle lane and maneuvered between two parked vehicles before crossing a street. A vehicle passed the bicyclist, while WE#1 was traveling in the opposite

direction in his parking enforcement scooter. The passing vehicle appeared to have obstructed the bicyclist's view of WE#1's scooter. The bicyclist entered the street, which lacked a marked crosswalk, crossed over the center yellow line, moved in front of WE#1, and collided with the scooter, causing the bicyclist to fall. Before the collision, the scooter appeared to decelerate, indicating WE#1 braking.

At 4:47 PM, CAD call remarks noted, "[PARKING ENFORCEMENT OFFICER] HIT CYCLIST."

BWV captured SPD officers responding to the scene. WE#1 provided his account of the collision. An officer viewed the dashboard camera and informed WE#1 that the bicyclist was at fault and would be cited for crossing the street that lacked a marked crosswalk. American Medical Response (AMR) personnel evaluated the bicyclist on scene and then transported him to a hospital.

C. Reports

Following the collision, an SPD officer prepared a PTCR. WE#1 also prepared a written statement. Both reports were consistent with OPA's observations of the dashboard camera and BWV. Neither report mentioned indicators of impairment.

A parking enforcement operations manager prepared an SPD memorandum dated August 1, 2025, providing the following account. Upon WE#1's return to Park 90/5, NE#4 informed WE#1 that he was not permitted to leave and was required to undergo an impairment evaluation by a DRE in accordance with a new policy. NE#4 also informed WE#1 that the parking enforcement chain of command ordered the evaluation due to the collision. Later, a KPD DRE evaluated WE#1 and found no evidence of impairment. The parking enforcement operations manager concluded that WE#1 "followed all SPD policy and procedures appropriately in the aftermath of the collision, operated his vehicle in a safe and legal manner at the time of the collision[,] and had no ability to prevent the collision by his own actions."

The KPD DRE prepared a drug influence evaluation report. It stated that the responding SPD officers did not suspect any impairment from WE#1. However, SPD command staff still ordered an impairment evaluation, having "recently enacted a new policy requiring an outside agency DRE to conduct an evaluation of all employees involved in collisions resulting in injuries (regardless of fault)." The DRE documented all the tests he administered to WE#1, along with his physical observations of WE#1. The DRE concluded, "It is my opinion as a Drug Recognition Expert that Subject is not impaired."

D. OPA Interviews

Seattle Parking Enforcement Officers' Guild Representative

On September 10, 2025, OPA interviewed a SPEG representative. He said he described to WE#1 the post-collision procedures, which included an investigation, paperwork, and screening with TCIS or a DRE. He said he advised WE#1 to participate in the process and comply with all orders. He said he responded to Park 90/5 when he was notified that a KPD DRE was en route. He said everyone expressed confusion regarding the mandatory DRE impairment evaluation. He said he was unaware of any policy or law mandating the evaluation, but he still advised WE#1 to participate in it to avoid insubordination. He said NE#3 told him that the mandatory evaluation would soon become policy and originated "from the top," which he believed referred to NE#2. He said he ensured that WE#1 was advised of his *Garrity* rights before the evaluation began.

Witness Employee #1 – Parking Enforcement Officer

On September 10, 2025, OPA interviewed WE#1. WE#1 said he returned to Park 90/5 following the collision and prepared a written statement. WE#1 said NE#4 ordered him to stay at Park 90/5, as NE#4 learned from NE#1 about a new policy requiring a DRE impairment evaluation. WE#1 said he waited at Park 90/5 until the KPD DRE arrived. WE#1 expressed confusion about the evaluation, especially since the responding SPD officers told him at the scene that he was not at fault. WE#1 said he was unaware of any policy or collective bargaining agreement mandating this evaluation. WE#1 said he was advised of his *Garrity* rights before undergoing the evaluation.

Named Employee #1 – Parking Enforcement Manager

On December 4, 2025, OPA interviewed NE#1, who identified himself as a parking enforcement manager. NE#1 informed OPA that a medical condition may have impacted his recollection of the incident. NE#1 said NE#3 told him that NE#2 ordered WE#1 to undergo a DRE impairment evaluation in accordance with a new policy, which NE#1 understood required employees involved in collisions resulting in injuries to undergo this evaluation. NE#1 said he was unaware of this new policy that NE#2 relied upon when ordering the evaluation. NE#1 said he conveyed NE#2's order to NE#4, who subsequently conveyed it to WE#1. NE#1 said he was never informed that WE#1 was suspected of operating the scooter while impaired.

Named Employee #4 – Parking Enforcement Supervisor

On December 5, 2025, OPA interviewed NE#4, who identified himself as a parking enforcement supervisor. NE#4 confirmed that he executed NE#2's order by requiring WE#1 to undergo an impairment evaluation by an external DRE. NE#4 said he had been informed that NE#2's order stemmed from a new policy. However, NE#4 said he was unaware of this new policy.

Named Employee #3 – Traffic Section Captain

On December 8, 2025, OPA interviewed NE#3, who identified himself as currently the Downtown Activation Team captain but was the Traffic Section captain on the incident date. NE#3 said NE#1 informed him about the collision. NE#3 said he inferred that the bicyclist's injuries were not life-threatening since TCIS declined to respond, and the bicyclist was being transported to a hospital by AMR, not the Seattle Fire Department (SFD), which typically handles more serious injuries. NE#3 said he briefed NE#2, who indicated that a new policy had been discussed among SPD command staff, including the chief. NE#3 said NE#2 explained that the new policy required employees involved in collisions resulting in serious injuries to undergo an impairment evaluation by an external DRE. NE#3 said he was unaware of such policy. NE#3 said the evaluation was still ordered, even after informing NE#2 that WE#1 was not suspected of being at fault or impaired. NE#3 recalled NE#2 referencing a prior case involving an SPD officer striking a community member with his patrol vehicle. NE#3 said he conveyed NE#2's order down the chain. NE#3 said locating an external DRE took considerable time due to police resources being diverted to several demonstrations at the time.

Named Employee #2 – Metropolitan Safety Services Bureau Assistant Chief

On December 8, 2025, OPA interviewed NE#2, who identified himself as currently the FIFA planning detail captain but was the assistant chief of the Metropolitan Safety Services Bureau on the incident date. NE#2 confirmed that he ordered WE#1 to undergo an impairment evaluation. NE#2 said he thought NE#3 told him that SFD transported the bicyclist to the hospital, indicating that the bicyclist sustained serious injuries. NE#2 said he assumed that TCIS would respond to the collision in accordance with policy. NE#2 said he wanted an external DRE to conduct the impairment evaluation to ensure transparency in the process. NE#2 recalled that an SPD DRE conducted an impairment

evaluation in the prior case involving an SPD officer striking a community member with his patrol vehicle. NE#2 said he was surprised when several hours passed before an external DRE could be located. NE#2 said he then learned from NE#3 that the collision was screened with TCIS but did not meet the criteria for a callout, so TCIS declined to respond. NE#2 confirmed that he was never informed that WE#1 showed indicators of impairment.

NE#2 believed that SPD Policy 13.010 (Collisions Involving Department Vehicles), not SPD Policy 5.170 (Alcohol and Substance Use), applied to this collision. NE#2 specifically cited SPD Policy 13.010-TSK-3¹ and indicated that the patrol or traffic sergeant investigating an SPD vehicle collision must determine whether TCIS should be called based on the criteria outlined in SPD Policy 15.260 (Collision Investigations). NE#2 then specifically cited SPD Policy 15.260-POL-6² and indicated that TCIS responds to any collision involving city equipment that results in serious bodily injury. NE#2 believed the bicyclist sustained serious bodily injury based on the limited information he was given and felt confident at the time that TCIS was responding to the scene. NE#2 noted that because TCIS had a “DRE component” as part of its callout, he believed a DRE was responding.

NE#2 then discussed SPD Policy 5.170-POL-3³ and WAC 357-37-200.⁴ NE#2 believed he could order an impairment evaluation if the conditions under WAC 357-37-200 were met. NE#2 said this specific WAC circled back to SPD Policy 5.170. NE#2 remarked, “There’s a lot of circular logic and referring to other resources and sources. And it creates a lot of gray space and open for interpretation, which is how we end up with misunderstandings like this.” NE#2 believed the conditions under WAC 357-37-200 applied to this incident, justifying his order for the impairment evaluation.

Traffic Collision Investigation Squad Acting Sergeant

On December 31, 2025, OPA interviewed a TCIS acting sergeant. He said there was no training manual specific to SPD’s TCIS but mentioned a statewide training program to become a certified accident reconstruction expert. He said TCIS responds to a scene when a fatality or serious injury occurs and criminal conduct is suspected of being a contributing factor. He said the criteria for TCIS activation remain consistent regardless of whether an SPD employee is involved. He said he decides whether a TCIS response is warranted after a supervisor or sergeant screens an incident with TCIS. He said TCIS responds to all incidents meeting the activation criteria. He said TCIS will request a DRE to evaluate for impairment if a driver is present, regardless of whether the driver is an SPD employee. He said TCIS conducts criminal investigations and does not facilitate DRE impairment evaluations for administrative investigations. He said TCIS will request assistance from another agency only if an SPD DRE is unable to respond.

The TCIS acting sergeant recalled this collision but said he was uninvolved in the screening or investigation. He said the collision did not meet the TCIS activation criteria due to the lack of a serious injury and suspected criminal conduct. He also noted that the at-fault party—the bicyclist—was not the driver. He clarified that while the injuries documented in the PTCR might potentially be considered serious, the fact that the injured party was found to be at fault meant that the driver was not suspected of criminal conduct. He said he was unaware of any policy or procedure requiring an SPD employee involved in a collision to undergo an impairment evaluation, absent indications of impairment.

Analysis and Conclusions:

Named Employee #1 – Allegation #1

5.170 – Alcohol and Substance Use, 5.170-POL-3. Employees Shall Submit to Tests for Intoxication When There are Indications of Impairment

NE#1, NE#3, and NE#4 allegedly ordered WE#1 to undergo an impairment evaluation without lawful authority.

All named employees informed OPA that NE#2 issued the order requiring WE#1 to undergo an impairment evaluation. NE#1, NE#3, and NE#4 expressed unfamiliarity with this “new policy” mandating such an evaluation but understandably relied upon NE#2’s representations in good faith. NE#1, NE#3, and NE#4 did not issue the order, nor were they involved in its formulation. They merely conveyed an order from an assistant chief to WE#1.

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

Recommended Finding: **Not Sustained – Unfounded**

Named Employee #2 – Allegation #1

5.170 – Alcohol and Substance Use, 5.170-POL-3. Employees Shall Submit to Tests for Intoxication When There are Indications of Impairment

An anonymous complainant alleged that NE#2 unlawfully ordered WE#1 to undergo an impairment evaluation.

Employees shall submit to tests for intoxication when there are indications of impairment. SPD Policy 5.170-POL-3.

This allegation is Sustained. NE#2 lacked authority from SPD policy or WAC 357-37-200 to order WE#1 to undergo an impairment evaluation based on the circumstances of the collision. The relevant policy applicable to this incident was SPD Policy 5.170-POL-3. It authorized a test for intoxication “when there [were] indications of impairment.” Here, a dashboard camera captured the bicyclist crossing the street and riding directly in front of WE#1, who promptly braked but could not prevent a collision. The responding SPD officers determined that the bicyclist was at fault and did not observe any indicators of impairment from WE#1. Given the absence of these indicators, the provisions of SPD Policy 5.170-POL-3 were not triggered, meaning NE#2 could not authorize an impairment evaluation for WE#1 under these circumstances.

Nevertheless, NE#2 maintained that SPD Policies 13.010-TSK-3 and 15.260-POL-6 granted him the authority to order the impairment evaluation. OPA disagrees. NE#2 initially thought that TCIS responded to the scene due to his assumption that the bicyclist sustained a “serious bodily injury.” NE#2 also cited a “DRE component” being included in the TCIS callout, meaning a DRE would have

also responded and evaluated WE#1 for impairment. However, NE#2's understanding was flawed for four reasons. First, NE#2 mistakenly believed that TCIS responded to the scene. TCIS was consulted but declined to respond, as it determined that the circumstances of the collision did not meet its activation criteria. Thus, SPD Policies 13.010-TSK-3 and 15.260-POL-6—as they concern TCIS—were inapplicable to this incident. Second, NE#2 eventually became aware that TCIS did not respond, yet he still proceeded with his order anyway. This meant that NE#2 believed he still had the authority to order an impairment evaluation, despite the absence of a TCIS response and indicators of impairment. Such authority did not exist.

Third, even if TCIS had responded to the scene, it would have conducted a criminal investigation. As the TCIS acting sergeant indicated, TCIS only responds to an incident when a fatality or serious injury occurs and criminal conduct is suspected of being a contributing factor. Here, no criminal conduct was suspected since the responding SPD officers determined that the bicyclist, not WE#1, was at fault for the collision. Fourth, even if TCIS, along with a DRE, had responded to the scene, TCIS would not facilitate an impairment evaluation for an administrative investigation, as the TCIS acting sergeant indicated. WE#1 was informed at Park 90/5 that he was required to undergo an impairment evaluation in accordance with an administrative process based on a “new policy.” TCIS would not have participated in such a process. Regardless of whether TCIS responded to the scene, neither SPD Policy 13.010-TSK-3 nor SPD Policy 15.260-POL-6 expanded SPD's authority to require employees involved in collisions to undergo an impairment evaluation beyond the criteria outlined in SPD Policy 5.170-POL-3, which required “indications of impairment.”

NE#2 also maintained that WAC 357-37-200 granted him the authority to order the impairment evaluation. OPA disagrees. Contrary to NE#2's interpretation of WAC 357-37-200, it does not automatically confer to an employer the authority to mandate testing. Rather, WAC 357-37-200 specifies the conditions under which an employer “may” require an employee to undergo testing. One such condition requires the employer to have a policy establishing the “procedures under which the test may be conducted.” See WAC 357-37-200(1)(b). Here, SPD had already implemented a policy establishing those procedures. SPD Policy 5.170-POL-3 requires “tests for intoxication when there are indications of impairment” (emphasis added). NE#2's purported “new policy”—mandating testing absent indications of impairment—was nonexistent. WAC 357-37-200 did not expand SPD's authority to require testing beyond the criteria outlined in SPD Policy 5.170-POL-3. Thus, NE#2's reliance on WAC 357-37-200 was misplaced.

The applicable policy regarding impairment testing for this collision was SPD Policy 5.170-POL-3. Contrary to NE#2's interpretation, SPD Policy 13.010-TSK-3, SPD Policy 15.260-POL-6, and WAC 357-37-200 were inapplicable. There was no dispute that WE#1 lacked indications of impairment. Consequently, NE#2 lacked the authority to order WE#1 to undergo an impairment evaluation under these circumstances.

Accordingly, OPA recommends that this allegation be Sustained.

Recommended Finding: **Sustained**

Named Employee #3 – Allegation #1

5.170 – Alcohol and Substance Use, 5.170-POL-3. Employees Shall Submit to Tests for Intoxication When There are Indications of Impairment

For the reasons articulated in Named Employee #1 – Allegation #1, OPA recommends that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained – Unfounded**

Named Employee #4 – Allegation #1

5.170 – Alcohol and Substance Use, 5.170-POL-3. Employees Shall Submit to Tests for Intoxication When There are Indications of Impairment

For the reasons articulated in Named Employee #1 – Allegation #1, OPA recommends that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained – Unfounded**

Named Employee #5 – Allegation #1

5.001 – Standards and Duties, 5.001-POL-2. Employees Must Adhere to Laws, City Policy, and Department Policy

NE#5—an unknown employee—allegedly failed to ensure that SPD policies concerning impairment testing conformed with WAC 357-37-200 and other applicable laws, policies, and collective bargaining agreements.

Employees must adhere to laws, city policy, and department policy. SPD Policy 5.001-POL-2.

OPA reviewed SPD Policy 5.170-POL-3, as well as other provisions under SPD Policy 5.170 (Alcohol and Substance Use), and ultimately concluded that these SPD policies conformed with WAC 357-37-200 and other applicable laws, policies, and collective bargaining agreements. Accordingly, OPA is removing this allegation.

OPA notes that there was discussion among SPD command staff concerning a potential “new policy,” possibly to require testing in circumstances where indications of impairment were absent. Regardless of the specifics of this “new policy,” OPA emphasizes that any new policy must comply with WAC 357-37-200 and may be subject to mandatory bargaining.

Recommended Finding: **Allegation Removed**

Footnote 1. SPD Policy 13.010-TSK-3 states the following:

13.010-TSK-3 Patrol or Traffic Sergeant Investigating a Department Vehicle Collision

In responding to a department vehicle collision, the **investigating Patrol or Traffic sergeant:**

1. **Responds** to all department vehicle collisions.
2. **Notifies** an on-duty lieutenant or duty captain.
3. **Summons** medical aid for any injured person, or anyone complaining of injury.
4. **Determines** if TCIS should be called, per criteria listed in Seattle Police Manual Section 15.260-Collision Investigations.

- a. If TCIS does not respond, **oversees** the investigation and proceeds to step 5.
- b. If TCIS does respond, **yields** the investigation to TCIS detective or supervisor.
5. **Examines** the damage at the collision scene.
6. **Takes** digital photos of the collision scene including, at minimum:
 - The police vehicle,
 - The other vehicle(s) or property involved and two different views of the scene.
7. **Obtains** a Statement (form 9.27) from the involved employee.
8. **Includes** a diagram of the collision scene on a Sketch Sheet (form 5.7.1) with all reports filed, only if a PCTR is not completed by SPD.
9. **Completes** a Blue Team entry for Vehicle Collision.
 - a. **Includes** the involved employee's driver license information and a complete description of the circumstances surrounding the collision in the Blue Team Incident Summary. Supervisors will include:
 - Officer's driving response
 - Unit type (vehicle description: marked, subdued, type of light bar)
 - Vehicle action
 - Light conditions – day light, night, dusk/dawn
 - In-car video status
 - Officer's DOL status – active, suspended
10. **Uploads** photos to the Digital Evidence Management System (DEMS) or Evidence.com via Axon Capture.
11. **Attaches** a copy of the PCTR or Report, officer statement, sketch sheet, and impound sheet to the Blue Team entry. And forwards the Blue Team entry through the involved officer's chain of command.
12. **Forwards** the Blue Team entry to the involved officer's sergeant or, in the event of a non-sworn driver, to his or her supervisor.
13. **Forwards** the original paperwork to Records.

Footnote 2. SPD Policy 15.260-POL-6 states the following:

6. TCIS Responds to Certain Collisions

Serious Bodily Injury – involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily part of organ, or which causes a fracture of any bodily part.

Special consideration should be given for a TCIS response for serious injuries to persons over 70-years-old or under 5-years-old.

TCIS is called for any collision involving:

- Death or injury likely to cause death
- Collisions where there is probable cause for vehicular homicide, vehicular assault, or hit-and-run investigations with serious bodily injury
- Collision during a police pursuit that results in serious injuries to any party
- Collisions involving City equipment with serious bodily injury

A sergeant may screen any incident with TCIS. Officers will document if TCIS was contacted and what direction was provided.

Sworn employees will try to protect the scene and secure evidence.

Footnote 3. SPD Policy 5.170-POL-3 states the following:

3. Employees Shall Submit to Tests for Intoxication When There are Indications of Impairment

(See 5.170-PRO-1 Testing for Impairment)

Footnote 4. WAC 357-37-200 states the following:

Can an employer require an employee to submit to drug/alcohol testing?

In addition to drug/alcohol testing required by state or federal law, an employer may require a specific employee to submit to drug/alcohol testing designed to identify the presence in the body of controlled substances referenced under chapter 69.50 RCW, other than drugs prescribed by a physician, if:

- (1) The employer has a policy that:
 - (a) Complies with legal requirements;
 - (b) Establishes procedures under which the test may be conducted;
 - (c) Provides for the confidential treatment of drug and or alcohol test results as required by law or in an action or proceeding challenging any disciplinary action arising from the circumstances which led to the test; and
- (2) One of the following conditions apply:
 - (a) The employee is subject to testing because:
 - (i) The employer has specific, objective grounds to believe the employee's work performance is impaired due to the presence of such substances in the body; or
 - (ii) While on duty the employee is involved in an accident or incident as described by the employer's policy;
 - (b) The employer determines that employees in positions with any of the following responsibilities are subject to testing:
 - (i) Providing security on state property or ensuring public safety;
 - (ii) Administering or dispensing medication; or
 - (iii) Utilizing a firearm as called for in performance of job duties.