



CLOSED CASE SUMMARY

ISSUED DATE: DECEMBER 11, 2024

FROM: DEPUTY DIRECTOR BONNIE GLENN, ON BEHALF OF DIRECTOR GINO BETTS, JR.
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0263

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties, 5.001-POL 6. Employees May Use Discretion	Not Sustained - Training Referral
# 2	5.001 - Standards and Duties POL-2. Employees Must Adhere to Laws, City Policy, and Department Policy	Not Sustained - Management Action

Named Employee #2

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties, 5.001-POL 6. Employees May Use Discretion	Sustained
# 2	5.001 - Standards and Duties POL-2. Employees Must Adhere to Laws, City Policy, and Department Policy	Not Sustained - Management Action

Imposed Discipline

Oral Reprimand

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

EXECUTIVE SUMMARY:

It was alleged that Named Employee #1 (NE#1) and Named Employee #2 (NE#2), both parking enforcement officers (PEOs), used unreasonable discretion and detained Community Member #1 (CM#1) unlawfully, against both policy and training.

ADMINISTRATIVE NOTE:

On November 1, 2024, the Office of Inspector General certified this investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

OPA investigated the allegation by reviewing the Complaint, Incident Report, Body-Worn Video (BWV), and training records. OPA also interviewed Witness Employee #1 (WE#1), a PEO supervisor. Finally, OPA interviewed both named employees.



A. OPA Complaint

On June 14, 2024, a civilian PEO Manager emailed an Incident Report to OPA. The PEO Manager wrote that an SPD Acting Sergeant forwarded him the Incident Report, which documented a June 11, 2024, incident where responding officers observed the named employees “boxing in” a vehicle driven by Community Member #1 (CM#1).

The PEO Manager described June 12, 2024, meeting with himself, a PEO Supervisor, two representatives from the Seattle Parking Enforcement Officers’ Guild (SPEOG), and both named employees. At the meeting, the named employees were counseled that “‘detaining or arresting’ individuals is beyond the scope of their position as well as dangerous due to not being trained. They were instructed [] to make radio calls and report (which they did) but not stop, detain, or arrest.”

The PEO Manager wrote the named employees possibly violated either SPD Policy 6.010 (Arrests) or 5.001 (Standards and Duties).

B. Incident Report

Officer #1 documented responding to a call concerning, “an erratic driver, presumed to be DUI.” The call noted the named employees—both PEOs—were stopped with the subject vehicle at an intersection.

Officer #1 wrote he observed the subject vehicle occupied by CM#1, with a marked City PEO vehicle directly behind the subject vehicle. Officer #1 wrote he was informed other officers saw, “two PEO units ‘boxing in,’ the vehicle operated by [CM#1].” Officer #1 said he was told the named employees told CM#1 that, “she was not detained,” but the named employees, “instructed [CM#1] to turn off her vehicle, and wait for Seattle Police Officers to arrive.” Officer #1 wrote that he and other officers determined CM#1 was not intoxicated.¹

C. Body-Worn Video

BWV depicted the following.

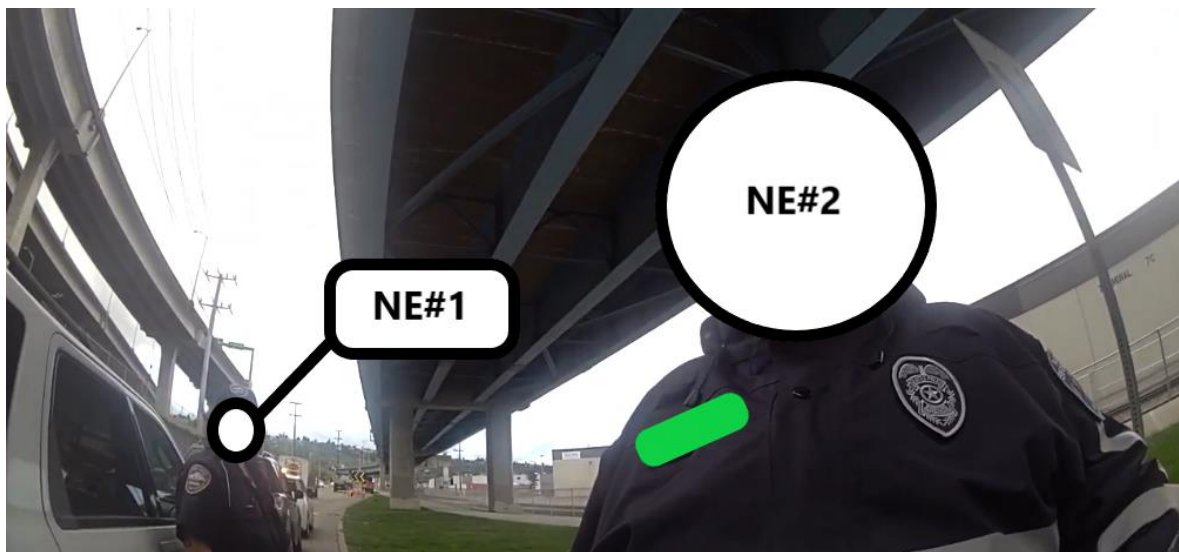
Officer #2 arrived on scene and observed a marked PEO vehicle with orange lights flashing. NE#2 was standing next to the PEO vehicle, which was pulled to the right side of the two westbound lanes, obstructing the right lane.

¹ In the Incident Report and on BWV, officers weighed competing evidence that CM#1 could have possibly been intoxicated. Ultimately, the officers determined there was insufficient evidence to determine CM#1 was intoxicated or was unsafe to drive. With CM#1’s consent, an officer followed her home without further incident.



NE#2 indicated by green arrow.

Officer #2 spoke with NE#2, who stated CM#1 almost ran NE#1 off the road, was following too closely, and honking their horn. NE#2 said she got out of her vehicle and approached CM#1 to see if there was an emergency. NE#2 stated she told CM#1 that her driving was going to get someone killed. NE#2 said CM#1 turned off their vehicle. NE#2 said CM#1 agreed to park their car and wait for SPD officers to arrive. NE#1 stood by, occasionally interjecting, as Officer #1 and NE#2 spoke. Both named employees were in uniform.



NE#1 and NE#2 in uniform. Green box covers a uniform style nametag for NE#2.

The named employees continued to describe CM#1's driving to Officer #2. A second marked PEO vehicle was parked with orange lights flashing in front of CM#1's vehicle.



*PEO vehicles indicated by green arrows. CM#1's vehicle indicated by blue arrow.
NE#1's vehicle is positioned behind CM#1 and NE#2's vehicle is positioned in front of CM#1.*

Officer #2 spoke with CM#1. Officer #2 asked if CM#1 knew why the named employees “stopped” her. CM#1 acknowledged she had been “belligerent.”

Officer #2 spoke with other officers concerning the situation. Multiple police officers commented to the effect that using PEO vehicles to detain CM#1 was highly unusual, “bizarre,” lacking legal authority, and that surrounding CM#1 with lights on was a “detention.”

D. OPA Interviews

OPA interviewed a witness employee and both named employees.

1. Witness Employee #1

WE#1 stated she’s worked for SPD for seventeen years, including the past twelve as a PEO supervisor overseeing the training unit. In an email to OPA, WE#1 wrote that the PEO unit does not have its own policy manual, but new PEOs are trained both in the classroom and in the field. She wrote, “PEOs are **not** Police Officers and **cannot** detain anyone. If a driver wants to leave [or] drive off let them.” (emphasis in original). WE#1 also sent OPA the named employees’ training records.

In her interview, WE#1 described new PEO training, to include four weeks of classroom training followed by four weeks of field training under direct supervision. WE#1 was emphatic that PEOs are not instructed to detain and are, instead, trained they are the “eyes and the ears” of the City and they are to use their radio to report criminal activity, describe the conduct, perpetrator, and any direction of travel.

OPA showed WE#1 portions of the BWV of this incident. WE#1 stated she did not know how the PEO vehicles came to be positioned around CM#1’s vehicle, but opined that the named employees violated policy.



2. *Named Employee #1*

OPA interviewed NE#1, who stated the following. NE#1 was following NE#2 to a job. NE#1 heard a vehicle behind her and saw CM#1's vehicle come up to her "aggressively, and the next thing I know, it came around me, nearly hit me, and then cut me off, and got really close to [NE#2's] bumper. [NE#2] stopped, the vehicle stopped, and I was behind the vehicle. There was tons of traffic, and traffic stopped." After they stopped, the named employees activated their "directionals" to signal to oncoming traffic that there were parked vehicles. NE#1 said she saw NE#2 approach CM#1's car and then use her radio to report for an "erratic driver."

NE#1 stated she did not know if she had previously been told that detaining community members was beyond the scope of her authority, but stated she knew, "we are not supposed to detain somebody." NE#1 stated she did not believe her actions detained CM#1. When asked if there was anything she could have done differently, NE#1 responded:

Me? No. Because, when I have two vehicles that are stopped in front of me in the lane of traffic, I would have done the same thing. Because I had one vehicle that was stopped and one vehicle that was off, my whole objective was like a traffic control situation. I stopped behind the vehicle with, I perceived, plenty of room to leave.

NE#1 stated that, as the driver of the rear vehicle, she felt like if she had left it would have created a greater safety and traffic control situation.

NE#1 stated she did not signal CM#1 to pull over and that the lights on her vehicle were orange, not red and blue. NE#1 denied ever speaking to CM#1. NE#1 acknowledged that she understood how, optically, responding officers may have thought she participated in detaining CM#1.

3. *Named Employee #2*

OPA interviewed NE#2. NE#2 stated she was driving ahead of NE#1 when she heard honking and saw CM#1's vehicle cut off NE#1 before pulling behind NE#2's vehicle. As NE#2 approached a red light, she heard CM#1 honking her horn and coming within inches of NE#2's back bumper. NE#2 said, because they were stopped at a red light, she got out of her vehicle and approached CM#1's window to ask if there was an emergency. CM#1 responded that she was going to the hospital, NE#2 responded there was no hospital in that direction. NE#2 said she told CM#1 that she called for SPD patrol officers and suggested that CM#1 turn off her car for her safety. NE#2 said she told CM#1 to turn off her vehicle based on the way CM#1 was driving.

NE#2 stated that the June 12, 2024, meeting was the first time she had been told "verbally" that detaining individuals was beyond the scope of her authority. NE#2 elaborated that this topic "might be in training," but stated she could not recall.

NE#2 disagreed she had detained CM#1 because, "she was never told that she couldn't leave. She could have backed up and left. So, both of our vehicle's say 'parking.' We are not the police." NE#2 noted that it was not her intention to pull CM#1 over and, instead, the vehicles were all already stopped at a red light. ("We didn't box her in. There was just a line with cars at a red light."). When asked about her training for these situations, NE#2 stated, "We are trained that if there is a safety concern to report it, so that would be within our training."



NE#2 noted that she has been with SPD for seven years and has not received any retraining in that time. NE#2 noted she did not direct CM#1 to pull over and, instead, she interpreted CM#1's honking as an attempt to get her attention. NE#2 thought there could be an emergency. NE#2 also noted that her lights were yellow—not red and blue—and that PEOs generally activate their lights when pulled to the side of the road.

E. Training Records

OPA reviewed the named employees training records, both of which indicated they were trained on SPD policy 5.001. Neither named employee received training on arrests or detentions.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

5.001 - Standards and Duties, 5.001-POL 6. Employees May Use Discretion

As indicated in SPD Policy 5.001-POL-6, “employees are authorized and expected to use discretion in a reasonable manner consistent with the mission of the department and duties of their office and assignment.” This policy further states that “[d]iscretion is proportional to the severity of the crime or public safety issue being addressed.” SPD Policy 5.001-POL-6.

Determining whether the named employees violated any SPD policies in this instance is complicated by three issues. First, the SPD's PEO Unit continues to operate without a specific unit manual. For reasons set forth more specifically below at Named Employee #1, Allegation #2, the absence of a unit-specific manual for this unique civilian role makes it difficult to point to objective standards for some PEO actions in the field. Second, NE#1 and NE#2 engaged in different conduct and bear distinctly different levels of responsibility for the situation. NE#2 was the lead vehicle, stopped in front of CM#1, activated her lights, got out of her vehicle to speak with CM#1, and gave CM#1 instructions to wait and turn her vehicle off. In comparison, NE#1's involvement was significantly more limited and more aligned with policy. NE#1 observed a situation unfolding in front of her: CM#1 and NE#2 were stopped in a travel lane and blocking her path. As the rear vehicle, pulling to the left and driving away would have been less safe than activating her lights and assessing the situation. Still, NE#1's decision to remain, in a marked vehicle with her lights on, contributed significantly to the optics that NE#1 and NE#2 worked in concert, “boxing in” CM#1. Third, the law of detention, seizure, and arrest is a complicated, fact-specific inquiry and PEOs, unlike police officers, do not receive substantial training on this topic.

OPA finds that, more likely than not, both named employees were trained not to detain or arrest anyone and that their authority was limited to reporting information over the radio. WE#1 was emphatic that this information was covered repeatedly in PEO training. Although neither named employee specifically recalled this information being covered in training, neither denied that it was. NE#1 stated she was aware of this limitation of her authority. NE#2 stated this “might” have been covered in training. At a preponderance standard, OPA finds this was likely covered.

Given this training, NE#2's decision to exit her vehicle and approach CM#1's vehicle was questionable. Even accepting NE#2's explanation that she thought CM#1 might be having an emergency as true, once she determined that there was no emergency, it was not a reasonable exercise of discretion for NE#2 to tell CM#1 to wait for the police and to turn off her vehicle. Even if, as NE#2 characterized, these were posed as suggestions to CM#1, a reasonable person would probably not have felt free to drive away if they were approached by uniformed personnel resembling police



officers and surrounded—even if unintentionally—by two marked City vehicles with lights activated. Instead, guided by her training, NE#2 should have ended the contact, reported the incident by radio, and continued on her way. To the extent NE#2 felt she had any discretion to act in this circumstance, her decision to advise CM#1 to stay and turn off her vehicle on the scene while awaiting SPD patrol officers was not reasonable.

As discussed, NE#1 was less involved in NE#2’s decision-making and, overall, reacted more reasonably to the situation unfolding in front of her by activating her lights and waiting. That said, at some point before Officer #2 arrived, NE#1 exited her vehicle and had the opportunity to speak with NE#2 to learn what caused NE#2 to stop and activate her lights. By remaining parked behind CM#1 with her lights activated, NE#1 contributed to an objective perception that CM#1 was being “boxed in” and detained. Because of her lower level of involvement, OPA finds that NE#1 possibly violated policy, but her violation was not willful and did not rise to the level of misconduct. OPA is recommending a training referral for NE#1 to reiterate that detaining community members is beyond a PEO’s authority.

Accordingly, OPA recommends this allegation be Not Sustained – Training Referral.

- **Training Referral:** NE#1’s chain of command should discuss OPA’s findings with NE#1 and provide any further retraining and counseling that it deems appropriate. The retraining should include an explicit reminder that PEOs do not have the authority to detain community members. The retraining and counseling conducted should be documented in Blue Team.

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

Named Employee #1 – Allegation #2

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

SPD Policy 5.001-POL-2 requires that employees adhere to laws, City policy, and Department policy.

OPA analyzed whether the named employees potentially violated the law by illegally detaining CM#1. Even recognizing that the named employees’ actions were questionable under Washington’s citizen’s arrest doctrine, OPA cannot find they were provided sufficient training on this topic or how to analyze when their actions might cross into a detention. Instead, the only training they received on this topic was a blanket instruction that “PEOs are **not** Police Officers and **cannot** detain anyone. If a driver wants to leave [or] drive off let them.” While this general guidance is persuasive in determining whether the named employees exercised reasonable discretion, it is not specific enough for OPA to find that either named employee violated the law. See SPD Policy 5.001-POL-3 (training is a guide to following policy, but the failure to follow training is not, in itself, a policy violation). Nor is there sufficiently objective evidence that this training constituted the official “policy” of the PEO Unit. See SPD Policy 5.001-POL-2 (employees must adhere to federal, state, local laws, City policies, the SPD Manual, published directives and special orders, as well as applicable collective bargaining agreements and labor laws).

The outcome of this allegation may have been different if the PEO Unit had an official, published Unit Manual. SPD employs about one hundred uniformed PEOs and PEO Supervisors. These individuals perform a highly visible job with patrol, traffic control, citation, and enforcement duties that are adjacent to or support some duties performed by sworn police officers. That said, as a large, uniformed, non-sworn unit within SPD, their role in the City and the Department is also unique. While the SPD Manual may provide relevant guidance in some areas of general conduct, much of the SPD Manual is geared more specifically to the police function. See, e.g., SPD Policy 6.010 – Arrests



(providing policy guidance only to sworn employees) and 6.220 – Voluntary Contacts, Terry Stops, and Detentions (same). Like other specialty sections or units, the Parking Enforcement Unit could benefit from a Unit Manual specific to their important function.²

Accordingly, OPA recommends this allegation be Not Sustained – Management Action.

- **Management Action:** SPD should consider creating and adopting a unit manual specific to the Parking Enforcement Unit. SPD should also review its policy manual to (i) provide specific guidance to PEOs, where appropriate, and (ii) explicitly forbid certain activities for non-sworn, uniformed members, such as arrests or detentions.

Recommended Finding: **Not Sustained – Management Action**

Named Employee #2 – Allegation #1

5.001 - Standards and Duties, 5.001-POL 6. Employees May Use Discretion

For the reasons articulated above at Named Employee #1, Allegation #1, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**

Named Employee #2 – Allegation #2

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

For the reasons articulated above at Named Employee #1, Allegation #2, OPA recommends this allegation be Not Sustained – Management Action.

Recommended Finding: **Not Sustained – Management Action**

² Anecdotally, OPA has been similarly challenged in the past by the absence of a Parking Enforcement Manual. The issue was under consideration while PEOs were assigned to the Seattle Department of Transportation. However, PEOs were reabsorbed by SPD beginning January 1, 2023. See Parking Enforcement, available at <https://www.seattle.gov/police/about-us/about-policing/parking-enforcement>. The return of PEOs to SPD presents a new opportunity to revisit the implementation of a Unit Manual.