



CLOSED CASE SUMMARY

ISSUED DATE: NOVEMBER 13, 2020

FROM: DIRECTOR ANDREW MYERBERG
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2020OPA-0362

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	13.080 - Use of Department Vehicles 11. Prohibited Activities During Use of Department Vehicles	Not Sustained (Unfounded)
# 2	5.001 - Standards and Duties 10. Employees Shall Strive to be Professional	Not Sustained (Unfounded)
# 3	5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy	Not Sustained (Unfounded)

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 the Named Employee drove his patrol vehicle in a reckless manner and with the apparent intent to strike pedestrians.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

13.080 - Use of Department Vehicles 11. Prohibited Activities During Use of Department Vehicles

OPA received multiple anonymous complaints concerning an officer driving his patrol vehicle in a reckless manner with the apparent intent to strike pedestrians. The Complainants indicated that this occurred when an officer – who the Complainants identified by a badge number – performed a U-turn in the vicinity of Broadway and Denny Way and, while doing so, almost hit a pedestrian. From the badge number, OPA was able to determine that the involved officer was Named Employee #1 (NE#1). This investigation ensued.

OPA reviewed GPS records and determined that NE#1 was in that location at the time and date of the alleged dangerous driving. OPA further confirmed, again reviewing GPS records, that he made a U-turn as the Complainants contended. From the GPS records, which detail vehicle speed, there was no evidence that NE#1 operated his patrol vehicle in an unduly fast or otherwise dangerous manner.

OPA also looked at In-Car Video (ICV) from another officer’s patrol vehicle. Based on that video, OPA identified that NE#1 was assigned to perform traffic duties and was in a marked patrol vehicle. The ICV indicated that NE#1’s patrol vehicle was positioned on Broadway at the intersection of Denny Way. He was blocking traffic. The ICV showed that



NE#1 began driving and took a wide turn. This caused him to drive slightly into Denny Way. He then pulled his vehicle across Denny Way towards the crosswalk; however, his patrol vehicle did not enter the crosswalk area. Moreover, at the time, no community members could be observed in the immediate vicinity of the patrol vehicle. He then pulled backward and blocked a lane of southbound traffic on Broadway. The ICV showed that, after NE#1 reversed from the crosswalk and parked in the lane of travel, community members in the crosswalk were walking in the street and motioning with their hands. These appear to be the individuals who alleged that NE#1 nearly struck them.

OPA attempted to locate and contact the Complainants, using social media and calling a phone number. However, the Complainants did not respond to OPA and, accordingly, were not interviewed.

Had NE#1 operated his patrol vehicle in a reckless manner, this would be contrary to SPD Policy 13.080-POL-11. Moreover, if he tried to strike pedestrians or drove in a way that put community members in danger, that conduct would violate the law and SPD's professionalism policy. However, based on OPA's review of the ICV, which shows the entirety of NE#1's driving, this simply did not occur. Most notably, NE#1's patrol vehicle did not enter the crosswalk and there was no indication from the video that he drove dangerously near community members or that his driving placed those individuals at a risk of physical harm. While OPA does not foreclose the possibility that the individuals may have perceived this to be the case, the evidence tells a different story.

Accordingly, OPA recommends that all of the allegations against NE#1, which are premised on the same purported conduct, be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained (Unfounded)**

Named Employee #1 - Allegation #2

5.001 - Standards and Duties 10. Employees Shall Strive to be Professional

For the same reasons as stated above (see Named Employee #1 – Allegation #1), OPA recommends that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained (Unfounded)**

Named Employee #1 - Allegation #3

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

For the same reasons as stated above (see Named Employee #1 – Allegation #1), OPA recommends that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained (Unfounded)**