



CLOSED CASE SUMMARY

ISSUED DATE: NOVEMBER 16, 2019

CASE NUMBER: 2019OPA-0351

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	13.010 - Collisions Involving Department Vehicles 13.010-TSK-1 Department Employee Involved in a Collision	Not Sustained (Inconclusive)

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 may have struck another car with her patrol vehicle and that she did not report this collision as required by policy.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

13.010 - Collisions Involving Department Vehicles 13.010-TSK-1 Department Employee Involved in a Collision

During an investigation into a Type III use of force, the Department’s Force Investigation Team (FIT) identified that, while Named Employee #1 (NE#1) was driving her patrol vehicle with emergency lights and siren activated, she moved into the emergency lane to drive by a number of cars that were in the left lane. At one point, she drove past a few cars that were slightly more in the emergency lane than any of the other vehicles. When she did so, a loud noise was heard on her In-Car Video (ICV). In addition, she was heard making a verbal statement virtually simultaneous to the noise. FIT believed that she possibly made impact with one of the vehicles. However, she did not stop her vehicle at that time and did not complete any reporting concerning being in an accident. FIT referred this matter to OPA and this investigation ensued.

As part of its investigation, OPA reviewed NE#1’s ICV and Body Worn Video. OPA also heard the noise when she drove past the vehicles and discerned that she exclaimed “shit.” OPA further determined that another officer drove behind NE#1 and was following her when the noise was heard. That officer’s ICV showed a motorist standing outside of his car, picking something up off of the ground, and putting it back into the rear of his car. It was unclear from the ICV what the object the motorist picked up was. Moreover, there did not appear to be any obvious damage to that motorist’s car, such as a broken side mirror. The ICV did not show the motorist flagging down the other officer or gesturing to any damage on his car.

OPA interviewed NE#1 and the other officer. NE#1 said that she did not recall colliding with another vehicle, striking any fixed objects, or running over anything. She further did not recall why she might have said “shit” at the time of the loud noise. The other officer did not see NE#1 strike another vehicle or collide with any other object. The other



officer further stated that he had no independent recollection of seeing the motorist picking something up off the ground and the other officer did not know what that item could have been.

OPA further contacted SPD's Fleet Division to determine whether any body work had been done on the vehicle driven by NE#1. OPA was informed that NE#1's vehicle had not been brought in for service since the incident occurred.

Lastly, OPA contacted SPD Communications and the Washington State Patrol (WSP) to determine if any collisions or hit and runs had been reported that possibly matched NE#1 striking a car and driving away. SPD Communications reported two hit and runs of parked cars in different locations. WSP also had no records of a reported hit and run in the same location as this incident occurred.

SPD Policy 13.010-TSK-1 requires that Department employees who are involved in collisions properly report those collisions. Had NE#1 struck another car but failed to report doing so, this would have violated policy.

Ultimately, the evidence is inconclusive as whether NE#1 was in an accident and failed to comply with SPD policy by failing to report. The timing of the loud noise with NE#1's patrol vehicle passing several cars, NE#1 stating "shit" simultaneously, and the fact that a motorist was seen outside of his car after the potential impact picking something up off of the ground all support the conclusion that a collision possibly occurred. On the other hand, no one ever reported any hit and run in that location and it follows that had a motorist's car been struck by a patrol vehicle that motorist would likely have reported it and/or sought recompense from the City. Moreover, there was no evidence of any visible damage to the cars that NE#1 drove by.

While NE#1's testimony could have shifted the balance of the evidence, she told OPA that she did not recall being in a collision, but she did not say that it definitively did not occur. Had she been able to state with certainty that there was no accident, OPA would have recommended that this allegation be unfounded. However, in the absence of such testimony and given the other conflicting evidence, OPA cannot determine whether or not NE#1 was involved in a collision and, if so, whether she did not report the collision as required. As such, OPA recommends that this allegation be Not Sustained – Inconclusive.

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