



CLOSED CASE SUMMARY

ISSUED DATE: JUNE 29, 2022

FROM: INTERIM DIRECTOR GRÁINNE PERKINS
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0143

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	13.030 - Emergency Vehicle Operations 13.030-POL 4. Officers Use Emergency Lights for Emergency Response	Sustained - Rapid Adjudication
# 2	13.030 - Emergency Vehicle Operations 13.030-POL 5. Officers Are Responsible for the Safe Operation of Their Police Vehicle	Sustained - Rapid Adjudication

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 on May 9, 2022, Named Employee #1 (NE#1) drove his SPD vehicle southbound on I-5 at speeds in excess of 100 miles per hour, without emergency equipment activated and without being logged into a call.

ADMINISTRATIVE NOTE:

OPA asked NE#1 if he would like to process his case under Rapid Adjudication (RA). RA is provided for in the Seattle Police Officers’ Guild’s collective bargaining agreement (CBA) with the City. It allows for employees to recognize that their conduct was inconsistent with Department policies and standards, and to accept discipline for the policy violation rather than undergoing a full OPA investigation.

After reviewing the complaint, completing its intake investigation, OPA determined this case could be appropriate for resolution by RA. However, before proceeding with its recommendation, OPA sought the Office of Inspector General’s (OIG) input. The OIG concurred with the OPA’s determination. Consistent with the procedure in the CBA, OPA forwarded to the Chief of Police its recommended disposition and proposed discipline in the form of an oral reprimand. The Chief of Police concurred with OPA’s recommended findings and proposed discipline. NE#1 also agreed to the discipline and, in doing so, stipulated that the finding and discipline were final and could not be appealed or otherwise later disputed.



CONCLUSIONS:

Named Employee #1 - Allegations #1

13.030 - Emergency Vehicle Operations 13.030-POL 4. Officers Use Emergency Lights for Emergency Response

The Complainant alleged that NE#1 was driving in significant excess of the posted speed limit without emergency equipment activated.

SPD Policy 13.030-POL-4 states that "Officers will use audible signals when necessary to warn others of the emergency nature of the situation -See RCW 46.61.035." (SPD Policy 13.030-POL-4).

On the evening May 9, 2022, the Complainant observed Named Employee #1 (NE#1) driving southbound on Interstate 5 at speeds in excess of the posted speed limit. A search of GPS records showed NE#1 to be traveling southbound on I-5 on May 9, 2022 at approximately 11:33 PM, driving at speeds of up to 106 miles per hour. GPS records then showed NE#1 decelerating to approximately 60 miles per hour so as to exit the interstate highway at the Boeing Access Road.

OPA also reviewed NE#1's resource history for the timeframe in question, which showed NE#1 as "in-service available" between 11:04 PM and 11:36 PM, at which point in time NE#1 was shown as logged into a "shots fired" call. A review of NE#1's Body-Worn Video (BWV) and In-Car Video (ICV) showed that NE#1 did not activate these videos until after he exited I-5 and activated his emergency equipment. Based on these records, OPA was able to ascertain that NE#1 was traveling on I-5 at speeds of approximately 40 miles per hour greater than the posted limit, without being logged into a call and without emergency equipment activated.

When presented with notice of this complaint, NE#1 stated the following:

I would like to request Rapid Adjudication for this matter. I was responding to a shooting incident where the victim was being chased in a vehicle by a suspect who was said to be actively shooting at the victim's vehicle. I logged to the call shortly after getting off the freeway. I did not, however, activate my emergency lights when I drove at high speeds on the freeway. I recognize that this is a policy violation. I accept whatever discipline OPA recommends.

OPA appreciates and commends NE#1 for taking accountability for this incident and for agreeing to RA. OPA recommends this allegation be Sustained – Rapid Adjudication. This finding is both final and binding.

Recommended Finding: **Rapid Adjudication - Sustained**

Named Employee #1 - Allegation #2

13.030 - Emergency Vehicle Operations 5. Officers Are Responsible for the Safe Operation of Their Police Vehicle

The Complainant alleged that NE#1 was driving in significant excess of the posted speed limit without emergency equipment activated.

SPD Policy 13.030-POL-5 requires SPD officers to be responsible for the safe operation of their patrol vehicles. The policy instructs that: "Officers are not relieved of the obligation to drive with due regard for the safety of all



persons.” (SPD Policy 13.030-POL-5.) The policy further states that: “Officers will drive no faster than reasonably necessary to safely arrive at the scene.” (Id.)

For the reasons stated above (see Named Employee #1 – Allegation #1), OPA recommends this allegation be Sustained – Rapid Adjudication. This finding is both final and binding.

Recommended Finding: **Rapid Adjudication - Sustained**