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**Issued Date:** DECEMBER 5, 2023

**From:** Director Gino Betts, Office of Police Accountability



**Case Number:** 2023OPA-0020

## **Allegations of Misconduct & Director's Findings**

### **Named Employee #1**

1. **Allegation #1:** 5.001 - Standards and Duties POL-2. Employees Must Adhere to Laws, City Policy, and Department Policy.

- a. **Finding:** Sustained

- **Proposed Discipline:** Thirty-Six Hour (4 Day) Suspension
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**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.**

### **Administrative Note on Proposed Findings:**

When the OPA Director recommends a sustained finding for one or more allegations, a discipline committee, including the named employee's chain of command and the department's human resources representative, convenes and may propose a range of disciplinary to the Chief of Police. While OPA is part of the discipline committee, the Chief of Police decides the imposed discipline, if any. See OPA Internal Operations and Training Manual section 7.3 – Sustained Findings.

### **Executive Summary:**

It was alleged Named Employee #1 (NE#1) violated the law by driving recklessly while intoxicated off duty.

### **Administrative Note:**

On December 1, 2023, OIG certified OPA's investigation as thorough, timely, and objective.

### **Summary of the Investigation:**

A member of Washington State Patrol (WSP) contacted SPD to report NE#1 had been arrested for driving under the influence (DUI) while NE#1 was off duty.

RCW 46.61.502. An SPD supervisor reported the arrest to OPA.

OPA opened an intake, then tolled its administrative investigation during the pendency of NE#1's criminal proceedings. NE#1 pled guilty to Reckless Driving and OPA started its administrative investigation. RCW 46.61.500. During the investigation, OPA reviewed the OPA complaint, Washington State Patrol (WSP) documents and Report of Investigation, In-Car Video (ICV), and court documents. OPA also interviewed NE#1.

As documented by WSP, a WSP Trooper (Trooper #1) observed NE#1's vehicle on the side of a state highway with a flat tire. Trooper #1 pulled over to assist and contacted NE#1, who exited the vehicle from the driver's seat and was the only occupant of the vehicle. While interacting with NE#1, Trooper #1 observed multiple signs of intoxication for NE#1, including confusion, failure to understand simple instructions, slurred and stilted speech, and the smell of alcohol on NE#1's breath, among other things. NE#1 admitted to drinking "one Truly" earlier in the day along with several medications. NE#1 performed standard field sobriety tests (SFST), all of which indicated NE#1 was intoxicated. NE#1 agreed to take a preliminary breath test (PBT), which returned a result of 0.163. Trooper #1 arrested NE#1 and recovered a personal firearm that was with NE#1. Subsequent Drager tests indicated NE#1 had a blood alcohol content above the legal limit. Trooper #1's in-car video corroborated the information documented by WSP. Trooper #1 cited NE#1 for driving under the influence in violation of RCW 46.61.502. NE#1 ultimately pled guilty to reckless driving in violation of RCW 46.61.500. NE#1 was sentenced to serve fifteen days in jail, served through electronic home monitoring. NE#1 was also sentenced to a period of monitored probation and was ordered to complete a DWI Victim Panel and Substance Use Disorder Assessment/Treatment.

OPA interviewed NE#1 on November 20, 2023. NE#1 explained another car caused her to veer off the road, resulting in her flat tire. NE#1 said she pulled to the side of the road to change her tire when she was approached by WSP. NE#1 said the WSP trooper asked her if she had been drinking, and she replied she had. NE#1 completed the SFST and told the trooper she was a police officer and had a firearm in her backpack. NE#1 explained she had been trying to detox for two days but took medications that could enhance the effects of the "two Truly's" she consumed. NE#1 acknowledged she should not have been driving that day.

NE#1 also spoke at length about her efforts to address her misconduct and seek treatment for her addiction. NE#1 stated she immediately reported the arrest to SPD and was provided with Department resources. NE#1 sought treatment at an inpatient program targeted to first responders, which she completed and described as "lifesaving." NE#1 has continued participating in an outpatient program. NE#1 also discussed the conditions accompanying her guilty plea to reckless driving, including that she stay completely sober. NE#1 noted she is in compliance with the conditions of her probation. NE#1 concluded:

Just that I couldn't be more sorry, um that this happened. Um, I completely agree that we should be of the highest standards, and I needed to hold myself to that. Uh, I will

continue to do everything I can um to make sure that I never, ever let anything like this ever happen again. um This job, like this job means everything to me. It's all I've ever wanted to do, um and it's what I want to do. And I just I hope that I can show SPD that I am worthy of this opportunity, and that they don't need to worry about that ever again.

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### **Analysis and Conclusions:**

#### **Named Employee #1 - Allegation #1**

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

It was alleged that NE#1 violated the law by driving recklessly while intoxicated off duty.

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

It is beyond dispute that NE#1 engaged in reckless driving in violation of RCW 46.61.500. NE#1 plead guilty to committing this crime and, accordingly, was found beyond a reasonable doubt to have done so. Similarly, the evidence is overwhelming that NE#1 also committed a DUI based on Trooper #1's observations, her performance on the SFSTs, PBT and Drager results, and admissions to drinking alcohol while taking medications that could have impairing interactions when combined with alcohol.

Accordingly, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**