



## CLOSED CASE SUMMARY

ISSUED DATE: MAY 26, 2022

FROM: INTERIM DIRECTOR GRÁINNE PERKINS  
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2021OPA-0445

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

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.001. Standards and Duties. 2. Employees Must Adhere to Laws, City Policy and Department Policy	Not Sustained - Unfounded
# 2	5.001. Standards and Duties. 10. Employees Will Strive to be Professional	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:**

The Complainant alleged that Named Employee #1 (NE#1) violated the law and was unprofessional by speeding and disobeying traffic signals while driving.

### **SUMMARY OF INVESTIGATION:**

The Complainant reported that an officer was speeding and disobeying the traffic laws in his private vehicle while traveling to work at the Southwest Precinct. OPA opened this investigation.

During its investigation, OPA reviewed the Complainant’s original voicemail Complaint, Southwest Precinct Staffing Sheets, Southwest Precinct Prox Card Access records, Southwest Precinct Security Video, and Private Security Video. OPA also interviewed the Complainant and NE#1.

OPA conducted a recorded interview of the Complainant. The Complainant stated he was driving home at about 2:45 in the morning when he observed a vehicle approach and tailgate his vehicle. The Complainant estimated that his own speed on Delridge Way between the West Seattle Bridge and the Southwest Precinct was about 30-40 miles per hour.<sup>1</sup> The Complainant state that near the Delridge Community Center the other vehicle moved into the bus lane and passed the Complainant. The Complainant alleged that he sped up to about 60 miles per hour to catch up to the other vehicle in order to record the other vehicle’s license plate, but that the other vehicle continued to accelerate. The Complainant

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<sup>1</sup> The speed limit along that section of Delridge Way is 25 miles per hour. See City of Seattle Speed Limit Map, available at <https://www.seattle.gov/transportation/projects-and-programs/safety-first/vision-zero/speedlimits>



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stated that he caught up to the other vehicle at a red light at the corner of Orcas and Delridge.<sup>2</sup> The Complainant alleged that the other vehicle drove in the turn only lane and around two other vehicles stopped for the traffic light, effectively running the red light. The Complainant stated that he then observed the other vehicle turn into the parking lot of the Southwest Precinct. The Complainant provided a description of the other vehicle.

OPA identified NE#1 as the driver of the other vehicle based on matching the Complainant's description of the other vehicle to security footage from the Southwest Precinct, then matching the driver of that vehicle to the individual who then used their prox card access to enter the Southwest Precinct.

OPA obtained private security video from a location at the corner of Orchard Street and Delridge Way. The video showed NE#1's vehicle proceeding through the intersection in a legal lane, with a green light, at a rate of speed that did not appear excessive. Another angle of the private security video showed NE#1's vehicle at the light with his brake lights visible and the Complainant's vehicle approaching the intersection at what appeared to be a fast rate of speed.

OPA interviewed NE#1. NE#1 identified his vehicle from the Southwest Precinct video and private video. NE#1 confirmed that his normal route to the Southwest Precinct took him southbound along Delridge Way. NE#1 denied being late or in a hurry on the day in question. NE#1 stated he had no recollection of any unusual interactions with other drivers on the road or passing anyone in the bus lane near Delridge Community Center.

#### **ANALYSIS AND CONCLUSIONS:**

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

##### ***5.001. Standards and Duties. 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.

The Complainant alleged that NE#1 violated various traffic laws. This case presents a close call that turns on competing narratives of the Complainant and NE#1. In the absence of the private security footage, this case would have been inconclusive. However, the Complainant specifically alleged that NE#1 drove in the turn only lane and around two other vehicles stopped for the traffic light at the corner of Orchard Street and Delridge Way. Objective evidence indicates that this did not happen. With that material inaccuracy in mind, OPA cannot credit the Complainant's factual account equally with NE#1. Given NE#1's denials, the preponderance of the evidence indicates these allegations either did not occur or did not occur as alleged.

Accordingly, OPA recommends that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained - Unfounded**

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<sup>2</sup> The Complainant described the corner as the intersection of Delridge and Orcas. OPA notes that S Orcas Street does not extend into Southwest Seattle. Based on the context of the Complainant's allegation and similarity of the named, OPA presumed that the Complainant was describing the intersection of Orchard Street and Delridge Way.



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**Named Employee #1 - Allegation #2**

***5.001. Standards and Duties. 10. Employees Will Strive to be Professional***

SPD Policy 5.001-POL-10 requires that SPD employees “strive to be professional.” The policy further instructs that “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers” whether on or off duty. (SPD Policy 5.001-POL-10.) The policy further states the following: “Any time employees represent the Department or identify themselves as police officers or Department employees, they will not use profanity directed as an insult or any language that is derogatory, contemptuous, or disrespectful toward any person.” (Id.) Lastly, the policy instructs Department employees to “avoid unnecessary escalation of events even if those events do not end in reportable uses of force.” (Id.)

The Complainant alleged that NE#1 drove unprofessionally. For the reasons set forth above at Named Employee #1, Allegation #1, OPA recommends that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained - Unfounded**