




CLOSED CASE SUMMARY

ISSUED DATE: SEPTEMBER 6, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0223

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	Sustained
Proposed Discipline		
Three (3) to Five (5) Day Suspension Without Pay		
Imposed Discipline		
Four (4) Day Suspension Without Pay		

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 that Named Employee #1 (NE#1) violated the law by negligently operating a motor vehicle on a public roadway while exhibiting the effects of consuming liquor, thereby endangering other people or property.

SUMMARY OF INVESTIGATION:

On July 24, 2022, SPD command staff spoke with an Edmonds Police Department (EPD) supervisor who stated NE#1 was arrested for Driving Under the Influence (DUI). According to the EPD supervisor, NE#1 refused sobriety tests and was arrested, transported for a blood draw, and later booked into the Snohomish County Jail.

On October 5, 2022, NE#1 pled guilty to Negligent Driving in the First Degree (misdemeanor) under RCW 46.61.5249. The factual predicate for NE#1’s guilty plea was:

Negligent Driving In The First Degree (Misdemeanor) - That on or about July 24, 2022, in Edmonds, Snohomish County, Washington, I did operate a motor vehicle on a public roadway



in a manner that was both negligent and endangered or was likely to endanger any persons or property, and exhibited the effects of having consumed liquor.

On January 4, 2023, OPA interviewed NE#1. NE#1 stated he worked at SPD since 2022. NE#1 also said on July 24, 2022, he drank alcohol with friends. NE#1 said among those friends was a veteran with post-traumatic stress syndrome (PTSD) he counseled. NE#1 stated the night's events after that were "fuzzy." However, NE#1 remembered being pulled over, invoking his right to silence, having his blood drawn, and being booked into jail. NE#1 also stated he pled guilty to Negligent Driving in the First Degree.

In his OPA interview, NE#1 spoke about this event's impact on his life. NE#1 acknowledged his "error in judgment" and "completely tarnished" his reputation with his SPD colleagues. NE#1 described "apologizing [to his colleagues] for violating their moral – their moral trust and their team trust." NE#1 also described his family's support and the "cloud of shame" he caused.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

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

The Complainant alleged NE#1 violated the law.

Employees must adhere to laws, City policy, and Department policy. SPD Policy 5.001-POL-2.

Here, NE#1's violation of the law is undisputed.

NE#1 pled guilty, and Edmonds Municipal Court entered a guilty finding beyond a reasonable doubt for Negligent Driving in the First Degree (misdemeanor), a violation of RCW 46.61.5249. Specifically, NE#1 admitted to negligently operating a motor vehicle and exhibited the effects of alcohol consumption.

During his OPA interview, NE#1 acknowledged drinking alcohol while out with friends and that things "became fuzzy" before he was pulled over in his vehicle. NE#1 also spoke candidly about the incident's impact on him, his team, and his family.

OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**