




## CLOSED CASE SUMMARY

ISSUED DATE: SEPTEMBER 27, 2023

FROM: DIRECTOR GINO BETTS   
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0343

### Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.001-POL 2. Employees Must Adhere to Laws, City Policy and Department Policy	Sustained
<b>Proposed Discipline</b>		
Three to Five Day Suspension		
<b>Imposed Discipline</b>		
Four Day Suspension		

***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 operating his car negligently after consuming alcohol.

#### **SUMMARY OF INVESTIGATION:**

On or about October 17, 2022, a King County Sheriff’s Office (KCSO) supervisor told an OPA investigator that NE#1 was arrested for driving under the influence of alcohol (DUI). OPA opened an investigation.

OPA reviewed the KCSO report and King County District Court records. OPA also interviewed NE#1.

##### *a. KCSO Report*

The KCSO report indicated that on September 19, 2022, a 9-1-1 caller reported a vehicle crashed into a ditch in unincorporated King County. KCSO deputies arrived. Deputy #1 reported when he arrived, NE#1 had returned with a truck to pull his car out of the ditch. Deputy #1 reported that Deputy #2 saw NE#1 outside the truck and NE#1’s wife in the driver’s seat. Deputy #1 wrote NE#1 told Deputy #2 he was drinking and driving.



Deputy #2 also documented his response to the call. Deputy #2 noted NE#1's admission to drinking and driving. Deputy #2 wrote NE#1 apologized for "crashing his vehicle and putting himself in this situation." Deputy #2 also noted NE#1 claimed recent work-related traumatic experiences caused him to drink and drive. Deputy #2 documented administering a Draeger breath test to NE#1. NE#1's results were: [Sample 1] IR 0.190/EC 0.195 and [Sample 2] IR 0.195/EC 0.200.

Deputy #2 also documented observing NE#1 stumbling and slurring words. Deputy #2 described NE#1 as smelling of alcohol, watery eyes, and unable to stand or walk straight. Deputy #2 wrote NE#1 exhibited "mood swings," repeating himself, apologizing, repeatedly asking the same questions, and becoming "argumentative" about notifying his sergeant about the incident. Deputy #2 indicated NE#1 calmed down when he learned SPD was notified and that he could notify his sergeant after he was processed.

*b. King County District Court Records*

On November 17, 2022, NE#1 pled guilty to Negligent Driving in the 1<sup>st</sup> Degree (RCW 46.61.5249). Specifically, NE#1 pled to "operat[ing] a motor vehicle in a manner that was both negligent and likely to endanger persons or property after recently consuming alcohol." NE#1 was sentenced to a suspended jail term and a \$1,000 fine. NE#1's sentence included several conditions, like a substance use disorder evaluation and attending a DUI Victim's Panel. NE#1 was assigned to monitored supervision during the sentence's twelve-month suspension.

*c. OPA Interview – NE#1*

NE#1 told OPA he worked at SPD for seven and a half years.

NE#1 "[took] full ownership for [the vehicle crash]" and his "very poor decision." NE#1 described work-related difficulties after the 2020 protests. NE#1 also described responding to a call where he was "confronted by a gentleman with a knife" who later set his house on fire. NE#1 said he suffered smoke inhalation from that incident and retriggering when the Department used that incident for training him. NE#1 said he later learned a woman inside that house was murdered. NE#1 indicated those events impacted his decision to drink and drive on the incident date.

NE#1 said he self-reported the incident to the Department, was placed on administrative duty, attended rehab, and has since participated in a program for first responders and military members with substance issues.

NE#1 said the experience set him on the path toward a "better way of living life."

**ANALYSIS AND CONCLUSIONS:**

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

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

The Complainant alleged that NE#1 violated the law by negligently operating a motor vehicle after consuming alcohol.

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



It is undisputed that NE#1 violated the law by driving negligently after consuming alcohol. Beyond KCSO's reports, NE#1 pled guilty to Negligent Driving in the 1<sup>st</sup> Degree (RCW 46.61.5249). The factual predicate NE#1 admitted was "operat[ing] a motor vehicle in a manner that was both negligent and likely to endanger persons or property after recently consuming alcohol."

During his OPA interview, NE#1 took full responsibility for his actions and noted steps he took toward addressing what triggered the incident.

Accordingly, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**