




CLOSED CASE SUMMARY

ISSUED DATE: JULY 3, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2023OPA-0018

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 - Training Referral
# 2	13.080 - Use of Department Vehicles 11. Prohibited Activities During Use of Department Vehicles	Not Sustained - Training Referral

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) exceeded the speed limit without activating emergency lights and parked in a load/unload zone.

ADMINISTRATIVE NOTE:

The Seattle Office of Inspector General (OIG) certified this OPA investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

OPA reviewed the OPA complaint, computer-aided dispatch (CAD) call report, global positioning system (GPS) data, remote log, photographs, and OPA interviews. OPA searched for NE#1’s in-car video (ICV) and body-worn video (BWV) but found no videos capturing the events described in the complaint. NE#1’s ICV would have automatically activated if NE#1 had activated his patrol car’s emergency lights.

A. OPA Complaint

The Complainant alleged that, on January 4, 2023, around 1:00 PM, while driving northbound on Beacon Avenue South when she saw NE#1 near South Orcas Street. The Complainant stated that NE#1 drove behind her. The Complainant said NE#1 entered a center lane, cut in front of her vehicle, and accelerated beyond the posted 25 miles per hour (m.p.h.) speed limit. The Complainant stated she heard a loud noise when NE#1 accelerated. She estimated that NE#1 drove up to 50 m.p.h.

The Complainant also alleged that near 15th Avenue South and Beacon Avenue South, NE#1 drove straight while in a right-turn-only lane and reversed to park in a load/unload parking spot. The Complainant stated that when she



returned about 30 minutes later, the patrol car was still parked in the load/unload spot. The Complainant also noted that the patrol car's emergency lights or siren were never activated.

The Complainant identified the patrol car by vehicle and license plate numbers. OPA's review of GPS data and remote logs revealed the patrol car's unit. NE#1 was logged as that unit on the date and time the Complainant reported.

B. CAD Call Report

OPA reviewed the CAD call report, showing:

On January 4, 2023, at 11:52 AM, Seattle Police Department (SPD) officers were alerted to a residential alarm incident on South Plum Street. At 12:34 PM, CAD listed NE#1 as en route. At 12:46 PM, other SPD officers arrived at the incident location. At 12:51 PM, SPD officers reported the windows and doors appeared locked and secured. At 2:03 PM, SPD officers and NE#1 were listed as back "in service."

C. GPS Data

GPS data show that NE#1's patrol car:

Traveled northbound on Beacon Avenue South and between Cheasty Boulevard South and South Spokane Street at the following speeds:

- 29 m.p.h. at 1:05:09 p.m.
- 29 m.p.h. at 1:05:26 p.m.
- 54 m.p.h. at 1:05:34 p.m.
- 54 m.p.h. at 1:05:42 p.m.
- 52 m.p.h. at 1:05:51 p.m.
- 45 m.p.h. at 1:06:04 p.m.
- 0 m.p.h. at 1:06:37 p.m.

NE#1 reached 54 m.p.h. near the 4100 block of Beacon Avenue South. The city of Seattle's "Seattle GeoData" revealed the speed limit on Beacon Avenue South between the 4200 block and the 3600 block was 25 m.p.h. NE#1's patrol car stopped at the 2500 block of Beacon Avenue South and stayed there for over 30 minutes.

D. Remote Log

NE#1's remote log showed:

NE#1 was logged as a solo unit. At 12:34 PM, NE#1 logged en route to a priority 3 alarm call at an address on South Plum Street. GPS data showed that the primary unit arrived and cleared the scene before the events alleged in the complaint occurred. NE#1 cleared the call at 2:03 PM, never arriving at the incident location.



E. Photographs

OPA reviewed photographs taken by the Complainant and the OPA investigator. The Complainant provided a picture showing a patrol car in the right lane at the Beacon Avenue South and 15th Avenue South intersection. OPA's photos showed a center lane opening up when traveling northbound on Beacon Avenue South and after passing South Alaska Street. Another picture showed a 25 m.p.h. speed limit sign at Beacon Avenue South and South Angeline Street intersection. Several photos showed a "15-minute load and unload only" sign and a "right turn only except transit" sign at the Beacon Avenue South and 15th Avenue South intersection.

F. Interview

OPA interviewed NE#1. NE#1 confirmed that his call sign on January 4, 2023, matched the SPD vehicle identified by OPA. NE#1 said he did not recall the alleged violations. Specifically, he did not recall whether he activated the siren or emergency lights. He also did not recall whether he reversed his patrol car at the intersection of Beacon Avenue South and 15th Avenue South but suggested emergency vehicles are permitted to park in load/unload parking spots while in-service.

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 that NE#1's patrol car cut her off and accelerated well beyond the speed limit. The Complainant also alleged that NE#1 illegally reversed in the street before parking in a load/unload zone.

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

Here, NE#1 exceeded the 25 m.p.h. speed limit. GPS data showed he traveled up to 54 m.p.h. northbound on Beacon Avenue South. Although NE#1 responded to a house alarm at 12:34 PM, and police officers are permitted to disregard traffic laws reasonably and safely during emergency responses, his alleged misconduct occurred after that call ended. GPS data showed NE#1 drove 54 m.p.h. at 1:05 p.m., 14 minutes after officers reported that the location was secured. Moreover, the remote log showed that NE#1 never went to the incident location. Instead, he parked about thirty minutes in a loading zone about half a mile away.

NE#1 told OPA that emergency vehicles could park in load/unload zones while in service. However, based on the CAD call report, NE#1 did not appear to be handling a service call when he allegedly parked in a load/unload zone.

Throughout NE#1's interview, NE#1 repeatedly said he could not recall details about his driving. He did not remember the alleged violations. He could not recall whether he used the siren or emergency lights. He could not recall whether he reversed at the intersection of Beacon Avenue South and 15th Avenue South. Nevertheless, NE#1 was certain he did not violate policy. While NE#1 was possibly investigating another incident, OPA could not find a law enforcement purpose warranting NE#1's speeding and parking in a load/unload zone. Although the reasons for NE#1's conduct are unclear, OPA concludes there was a potential violation of policy that does not amount to serious misconduct. Ultimately, NE#1's actions—speeding, traveling in a turning lane, continuing straight from a turning lane, and parking in a load-only zone—would be "traffic and parking infractions" at most. See SPD Policy 5.002-POL-5(c) (defining traffic



and parking infractions as “minor misconduct”). As NE#1 does not have prior sustained allegations related to emergency vehicle operations, OPA determined that this matter is best addressed by NE#1’s chain of command.

Accordingly, OPA recommends this allegation be Not Sustained – Training Referral.

- **Training Referral:** NE#1’s chain of command should discuss OPA’s findings with NE#1, review SPD Policy 5.001-POL-2 with NE#1, and provide necessary retraining and counseling. Any retraining and counseling should be documented and maintained in Blue Team.

Recommended Finding: **Not Sustained - Training Referral**

Named Employee #1 - Allegation #2

13.080 - Use of Department Vehicles 11. Prohibited Activities During Use of Department Vehicles

The Complainant alleged that NE#1 cut her off and accelerated beyond the posted 25 m.p.h. speed limit.

SPD employees must not “[drive] in a manner that is discourteous or aggressive, unless necessary to effect a recognized law enforcement purpose.” SPD Policy 13.080-POL-11.

For the reasons at Named Employee #1 – Allegation #1, OPA recommends this allegation be Not Sustained – Training Referral.

- **Training Referral:** NE#1’s chain of command should discuss OPA’s findings with NE#1, review SPD Policy 13.080-POL-11 with NE#1, and provide necessary retraining and counseling. Any retraining and counseling should be documented and maintained in Blue Team.

Recommended Finding: **Not Sustained - Training Referral**