



CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 16, 2025

FROM: INTERIM DIRECTOR BONNIE GLENN
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0307

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties POL-10. Employees Will Strive to be Professional	Sustained
# 2	13.030 - Emergency Vehicle Operations 5. Officers Are Responsible for the Safe Operation of Their Police Vehicle (Effective Date 03/01/2018)	Sustained
# 3	5.001-POL 11. Employees Will Be Truthful and Complete in All Communication	Not Sustained - Inconclusive

Imposed Discipline

Written Reprimand

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 Named Employee #1 (NE#1) was driving dangerously fast without lights and sirens activated. The Complainant also alleged NE#1 was rude and dishonest—stating he was responding to a gun call—when confronted about his driving.

ADMINISTRATIVE NOTE:

On December 10, 2024, OIG certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

OPA investigated the complaint by reviewing the OPA complaint, computer-aided dispatch (CAD) call report, mobile data terminal (MDT) records, phone records, GPS information, body-worn video (BWV), in-car video (ICV), and photographs. OPA also interviewed the Complainant, Witness #1, and NE#1.

On July 20, 2024, around 9:16 pm, a 911 caller (Witness #1) reported seeing a female pulling on the doors of houseboats in the vicinity of East Hamlin Street and Fairview Avenue East.¹ Witness #1 reported the female was taking items and bringing them to an intoxicated male, who was waiting for her in a black pickup truck with a trailer. The

¹ A second female 911 caller later reported the same information, which she stated she received second-hand from Witness #1. The CAD remarks for the second 911 caller also noted "NO WPNS SEEN" around 9:28 pm.



CAD remarks noted “NO WPNS SEEN.” Around 9:22 pm, a CAD remark noted Witness #1 was “confident of the plate” because they were reading it “off a picture.” Witness #1 also confirmed the vehicle was a black pickup truck. The CAD remark noted the plate did not match a black pickup truck.² West Dispatch broadcast the call around 9:27 pm.

NE#1 called Witness #1 twice around this time. The first call used about one minute around 9:26 pm. The second call used about two minutes around 9:28 pm.

NE#1 was dispatched to the call around 9:45 pm and showed enroute around 9:46 pm. The call was a Priority 2 call. NE#1’s MDT log showed that around 9:46 pm, NE#1 sent the following messages, “Wanna come with,” “its a stolen truck.”

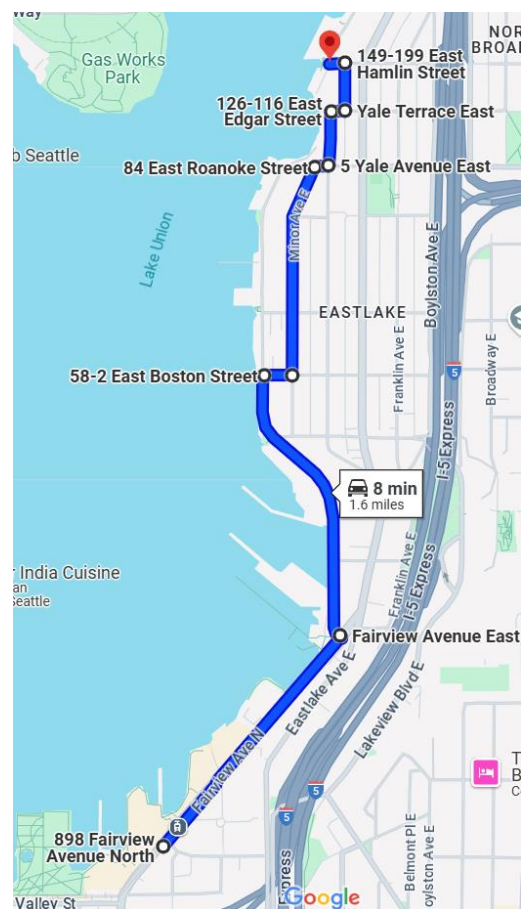
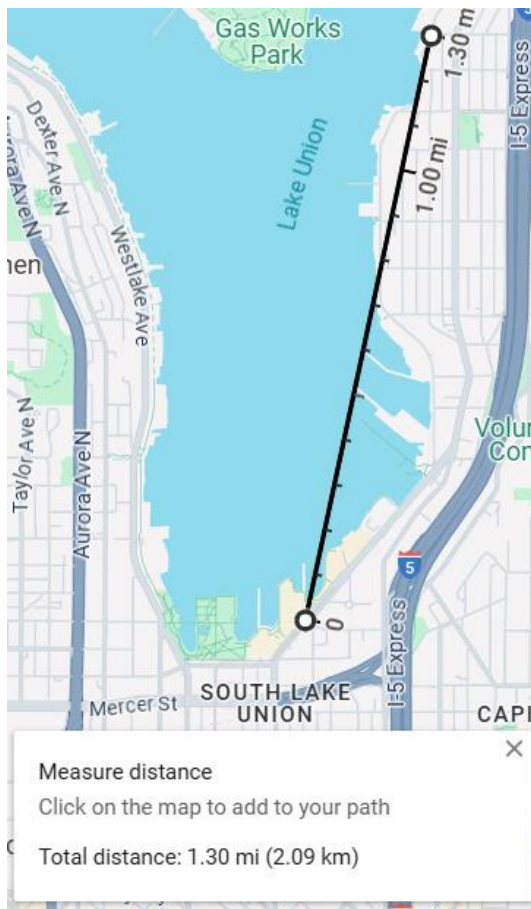
ICV showed NE#1 began driving to the scene around 9:55 pm. NE#1 started driving from Westlake Avenue North, just southeast of the Aurora underpass. The speed limit on Westlake Avenue is 25 miles per hour. The conditions were nighttime and dry, the street was well-lit, and two lanes in both directions with few pedestrian crossings. Without emergency lights or sirens activated, NE#1 reached speeds of 68 miles per hour. Traffic was light, and NE#1 slowed and followed other vehicles until they allowed him to pass.

As NE#1 approached the intersection with 8th Avenue North, he activated his emergency equipment and intermittently chirped his siren. NE#1 averaged speeds between 40 and 50 miles per hour, occasionally reaching high speeds in the low 60s. He went through multiple red lights after slowing, clearing the intersection, and chirping his siren. Approaching the intersection with Aloha Street, in moderate traffic, NE#1 crossed the double yellow dividing line to pass traffic. NE#1 crossed into the oncoming traffic lane again as he passed traffic at the intersections of 9th Avenue North and then again near Valley Street.

NE#1 reached speeds above 50 miles per hour as he went down Valley Street, still with emergency lights activated and chirping his siren. He then slowed for a red light at the intersection with Fairview Avenue North, cleared the intersection, chirped his siren, and proceeded left through the red light heading northeast on Fairview Avenue North.

NE#1 deactivated his emergency lights shortly after turning onto Fairview Avenue North, near the intersection with Fairview Place North. This was about 1.3 miles point-to-point from the call location, or about 1.6 miles as NE#1 eventually travelled.

² The plate returned as a Hyundai Tucson, a compact SUV.



NE#1 accelerated, achieving a high speed of 66 miles per hour without emergency equipment activated. The speed limit along Fairview Avenue North is 25 miles per hour. In that area, the street is two lanes northbound. Southbound, it is two lanes between about Fairview Place North and until just north of Yale Avenue North. There is light rail track inlaid in the street, streetcar platforms in the center lane, and multiple crosswalks. North of Yale Avenue North, there is no longer a turning lane and—in the southbound lanes—there appeared to be a protected bike lane. NE#1 drove northeast along Fairview Avenue East for about 35 seconds, averaging speeds from about 55 miles per hour to the low 60s. Vehicle traffic was very light and there was almost no apparent pedestrian traffic. Just south of Fairview Avenue East, Fairview Avenue North is an elevated bridge above a portion of Lake Union.

NE#1 turned left onto Fairview Avenue East. The nature of the road changes in this area: Fairview Avenue East is a non-arterial street with a 20 mile per hour speed limit. The street is narrower and less well lit. Traffic can proceed in either direction, but there is no center dividing line. ICV did not appear to depict any other traffic on the street. NE#1 averaged speeds in the 33-35 mile per hour range, achieving a high speed of about 45-46 miles per hour.

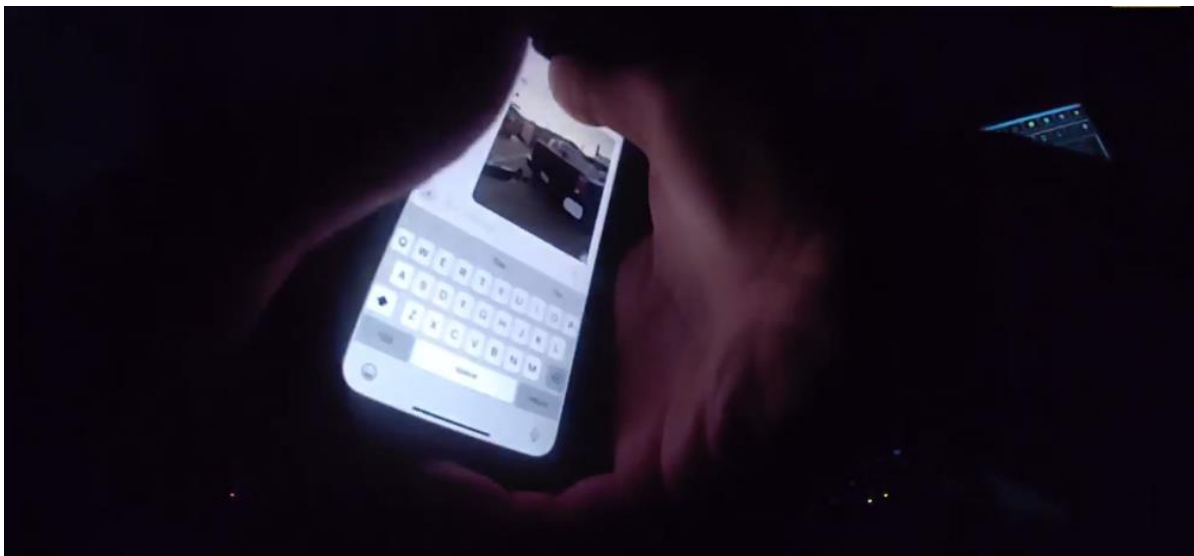
Just north of the intersection with East Newton Street, NE#1 approached the Complainant. In the ten second prior to the Complainant being visualized on NE#1's ICV, NE#1 did not exceed 30 miles per hour.



*Image from ICV as NE#1 approached the Complainant, circled in red.
Speed overlay, at top left, shows NE#1 driving about 22 miles per hour.*

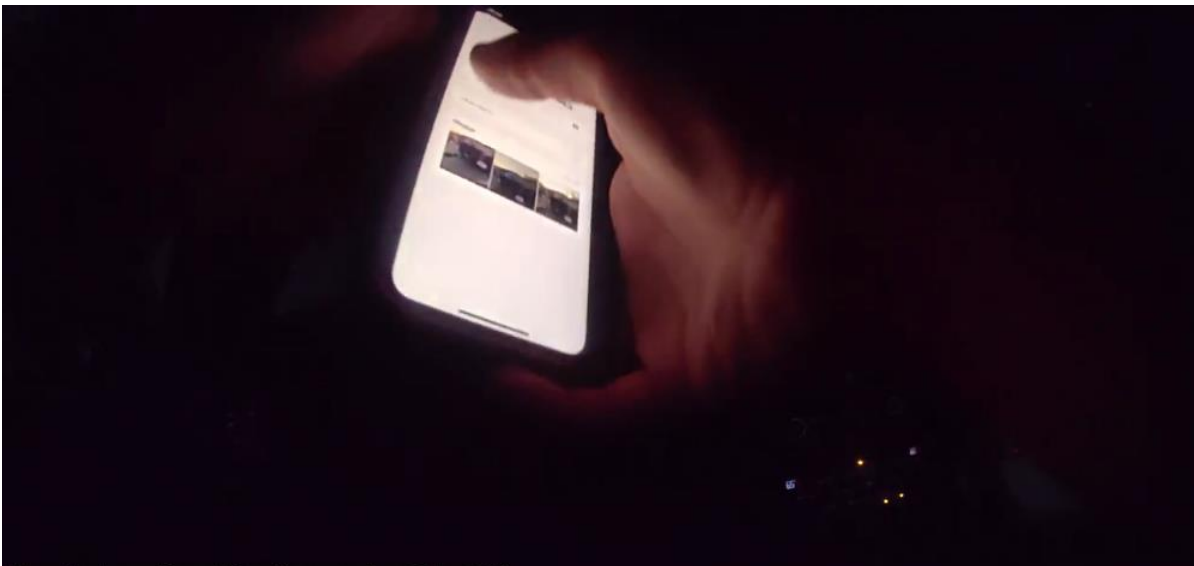
NE#1 slowed as he approached the Complainant, who said, "slow down." The Complainant did not appear to intentionally move out of NE#1's way. NE#1 stopped and opened his car door, asking either "what's that?" or "what's up?" The Complainant repeated to slow down, stating NE#1 was going "real fast." NE#1 asked, "do you know where I'm going?" The Complainant said he did not know NE#1 responded, "OK, somebody with a gun...so, I should probably go there pretty quick, yeah? OK, fantastic." The Complainant stated NE#1 should probably have his siren on. NE#1 then closed the door and continued driving northbound, turning right onto East Boston Street, then left (northbound) onto Minor Avenue East. As he passed the intersection of East Lynn Street, NE#1 deactivated his ICV and BWV.

NE#1 reactivated both ICV and BWV about three to seven seconds later. NE#1 sent a message on MDT, but the content could not be observed on BWV. NE#1 then slowed significantly, slowly driving and idling near the intersection of Yale Avenue East and East Edgar Street. NE#1 then accidentally called another officer but appeared to access the phone number through text message. NE#1's BWV clearly showed the following photograph depicting a truck and tow hitch, in his text screen:



Text screen shortly before NE#1 called the other officer.

NE#1 spoke briefly with the other officer before realizing he did not call Witness #1's number. NE#1 called Witness #1, again appearing to access his phone number by text message. BWV appeared to show three photographs on both the text and contact screen:



Contact screen for Witness #1, shortly before NE#1 called Witness #1.

Witness #1 answered, "this is [Witness #1's first name]." NE#1 said, "Hi, this is Officer [NE#1] once again...hi, so I just want to confirm, were you the one who saw the truck, or you got this from somebody else." Witness #1 appeared to respond, "this was me, 100%." The two had the following conversation. Witness #1's voice could be heard, despite not being on speaker phone, though his precise words were not always discernible:



- **NE#1:** OK, and then the guy that was in the truck he was the one driving and then the female was the one going inside the boats.
 - *Witness #1:* [Not discernible]...came back from the docks...[not discernible]...continued to go back in front of the docks...[not discernible]
- **NE#1:** OK, and then did you see him ever get out of the car?
 - *Witness #1:* He got out of the car, and I circled the area, and I came back and parked behind him and got a picture of the license plate, and he came out to say what was going on, and I said “what are you doing,” and he said he was waiting for someone.
- **NE#1:** Got it, OK, and then obviously you left the area and you don’t know if they have left or not?
 - *Witness #1:* Correct, if I had to guess, I’d say [not discernible].
- **NE#1:** Right, and then, this little roundabout, do you know how many docks it has.
 - *Witness #1:* [not discernible]
- **NE#1:** Oh, I see...right, I see what you’re saying, OK. Got it. So. Uhm, and then..
 - *Witness #1:* [speaker phone came on, Witness #1’s voice is noticeable louder] park right in front of the entrance, where you could go towards either dock.
- **NE#1:** Got it, and then, uh, it’s the roundabout, and there’s only one entrance and one exit, correct?
 - *Witness #1:* Correct, yeah, the trucks... [NE#1 appeared to turn off speaker phone, Witness #1’s voice is slightly lower, audible, but not always discernible]
- **NE#1:** Got it, and do you remember if he was the only one in the truck or not?
 - *Witness #1:* I believe so, he also had a laptop open in the truck
- **NE#1:** He had a laptop open in the truck?
 - *Witness #1:* [not discernible]
- **NE#1:** OK, uhm, OK perfect thank you very much.
 - *Witness #1:* [not discernible]
- **NE#1:** Alright, bye.

From the start of the call, the above conversation lasted about two minutes ten seconds. Immediately after, there was about twenty seconds of additional speaking. During this final twenty seconds, Witness #1’s voice could not be heard at all on BWV. NE#1 then said, “wha, oh...yes. Yeah, and you said you seen the firearm? Yeah, on his...hip. OK. OK, buh-bye.” NE#1 then appeared to transition his cell phone from his left hand to his right hand, but the screen was not visualized on BWV.

The time from the beginning of the call³ through NE#1 ending the call and appearing to transition the phone to his right hand⁴ was about two minutes thirty seconds. NE#1’s cell records showed this call between NE#1 and Witness #1 occurred at about 10:00 pm and used about three minutes.⁵

³ Based on BWV showing on the phone screen that the call had started. The is at about one minute fifty-four seconds (01:54) of NE#1’s second BWV.

⁴ Based on BWV appearing to show both of NE#1’s hands holding the phone. The is at about four minutes twenty-four seconds (04:24) of NE#1’s second BWV.

⁵ It is not clear how the cell phone records how many minutes are used. OPA observed that the call between NE#1 and the other officer lasted about thirty-five seconds, from one minute thirteen seconds (01:13) of NE#1’s second BWV to one minute forty-eight seconds (01:48) of NE#1’s second BWV. This call shows it used one minute, potentially indicating call times are rounded up.



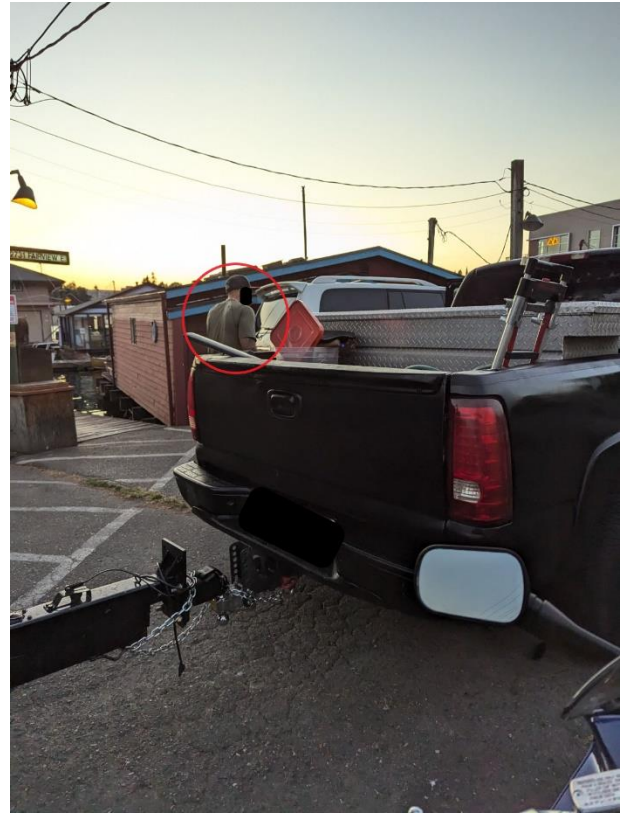
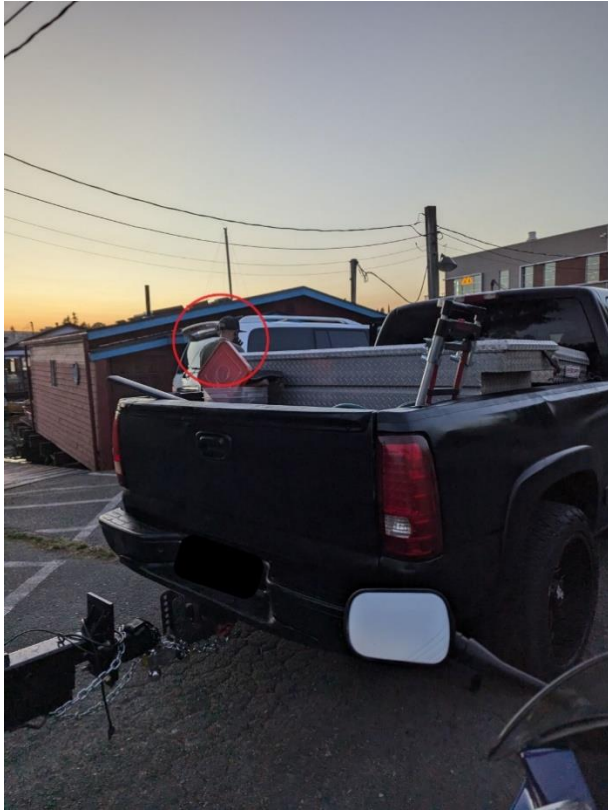
NE#1 then sent more MDT messages. Around 9:59 pm, NE#1 sent the following message on MDT, “RP said he saw a firearm on his hip btw.”

Ultimately, NE#1 did not locate either the male or female individual, and he cleared the call without a report and a disposition of “Suspicious Circumstance – Suspicious Vehicle.”

OPA interviewed the Complainant on July 31, 2024. He said that at about 9:46 pm on the night of the incident, he was standing on Fairview Avenue East. He said it was dark and poor streetlights. The Complainant said he saw an SUV speeding at a dangerous pace due to the residential neighborhood and bad lighting. The Complainant estimated the SUV was going about 40 miles per hour. He said, as the SUV got closed, he was relieved to see it was a police vehicle. He recalled saying “hey, slow down,” at which point NE#1 said something like, “do you know where I’m going?” When the Complainant said no, he recalled NE#1 replying, “I’m going to check on a gun call.” The Complainant said he responded, “well, you’re going pretty fast for this neighborhood.” He said NE#1 closed his car door and left. The Complainant expressed concern for kids and pets in the area and noted NE#1’s demeanor was condescending. The Complainant felt NE#1 was lying about responding to a gun call to “shut up” the Complainant. He also thought it was odd NE#1 was responding to a gun call without lights on.

OPA interviewed Witness #1 on August 15, 2024. Witness #1 declined to provide a recorded interview. Witness #1 remembered his report to police and corroborated the information he provided to 911 dispatchers. In his description to OPA, Witness #1 did not mention observing a weapon on the male. OPA prompted Witness #1 by asking if he observed a firearm, and Witness #1 responded to the effect of, “No, I did not see any weapons on anyone.” Witness #1 denied seeing the male with a gun on his hip. Witness #1 stated he never reported observing a weapon on the subjects to either the officer he was speaking to on the phone or the 911 call taker.

OPA interviewed NE#1 on November 13, 2024. NE#1 stated his first call to Witness #1 was to gather additional information. NE#1 said Witness #1 sent him photographs of the truck and male individual. NE#1 provided four photographs to OPA, which only had two unique photographs. The two photographs are below, the male individual circled in red:



NE#1 stated he immediately recognized the pictured individual as someone he had an incident with a few weeks prior (the Suspect), in which the Suspect was passed out in a stolen car, eluded officers, and then went to Lynnwood to conduct a domestic violence burglary.⁶ NE#1 said he was aware the Suspect was a convicted felon who he knew possessed a firearm based on information he had from sources who were familiar with the Suspect.

NE#1 described driving “code” to the call, using intermittent siren. NE#1 said he turned his lights and sirens off as he got closer to the call to avoid detection. NE#1 did not recall his speeds but stated emergency response was justified based on his knowledge of the Suspect being a felon, armed with a firearm who was involved in multiple crimes and an “outstanding, violent felon.”

NE#1 recalled speaking with the Complainant, stating he stopped after seeing the Complainant flag him down. NE#1 thought the Complainant was going to provide information related to the call, but instead the Complainant told him to slow down. NE#1 recalled explaining that he was “going to a guy with a gun, which I had prior knowledge of this guy having a gun.” NE#1 said he then closed his door and drove away. NE#1 explained that he did not tell the Complainant every detail, but instead he explained, “hey, this is what I’m going to, and I didn’t maybe say, ‘I know who this guy is, I know he does this.’”

⁶ OPA takes notice of a July 11, 2024, local news article that reported the Suspect was wanted by Lynnwood Police and “believed to be armed.” The article contained multiple pictures of the Suspect, which appeared similar to the individual in the pictures provided by NE#1 at his OPA interview. The article also noted the Suspect was a “convicted felon” with “numerous felony warrants,” including for possessions of a firearm and possession of stolen vehicle. The article also mentioned an event “last month” when the Suspect “fled from police in Seattle in a stolen truck,” before driving to Lynnwood.



OPA asked NE#1 about his second call with Witness #1. NE#1 described following up on several items, and Witness #1 “mentioned to [NE#1] that he observed a firearm on the subject.” NE#1 said that the speaker phone was going on and off because there were times when he was doing things with his hands or would hold the phone away from himself.

NE#1 said that he was aware the Suspect had a firearm when he saw Witness #1’s photographs and recognized the Suspect. NE#1 said, “I knew that, oh, this guy carries a gun. Obviously, I wasn’t 100% sure that he had a firearm on him that night, because I guess he, you know, couldn’t, but I was aware that he normally carries a firearm.” NE#1 said he communicated this to other officers:

I believe I sent a CAD message, and I believe I also sent a text message, because I sent the photos to my backing officers as well, the same ones that I sent you that the RP sent me, I sent those photos to my backing officers, and I believe I sent in a text message as well about the firearm. I’m not 100% sure about that. I would have to check on that, but I think I did.

NE#1 said he did not communicate the information about the Suspect having a firearm to dispatch because he thought it was most relevant for his backing officers.

NE#1 denied violating any policies. NE#1 also noted he arrested the Suspect the next day in a stolen car, in possession of a firearm, and with stolen property as well as narcotics.⁷

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

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

The Complainant alleged that NE#1 was rude when he told him to slow down.

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. Additionally, the policy instructs Department employees to “avoid unnecessary escalation of events even if those events do not end in reportable uses of force.” *Id.* Furthermore, the policy states: “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.*

OPA recommends this allegation be Sustained for two related, but independently sufficient, reasons.

First, OPA finds that NE#1’s tone and words (“so, I should probably go there pretty quick, yeah? OK, fantastic.”) were a condescending, dismissive, and sarcastic response to a community member expressing a real concern. As discussed below at Allegation #2, NE#1 was speeding on a narrow, dark street without his emergency lights or siren activated. Even if NE#1 did so with good reason, the Complainant’s public safety concern was both valid and hardly expressed in

⁷ OPA takes notice of a local news post of X (formerly Twitter) dated July 23, 2024, announcing that SPD officers arrested the Suspect on July 21, 2024, in possession of a stolen vehicle, drugs, and a firearm.



an oppressive manner. OPA finds that more likely than not, NE#1's response was intended as it was received: to "shut up" the Complainant. NE#1 may have responded this way out of frustration. When asked about contacting the Complainant, NE#1 noted in his OPA interview:

Yeah. So originally, when I was getting close to the call, I thought that this person who had flagged me down was maybe going to give me some pertinent information on, you know, also seeing some sort of suspicious car or burglarizing a houseboat or something. So I had stopped because he was sort of waving his arms. So when I opened the door, and I think I, you know, addressed him, and then he told me to slow down.

But the fact NE#1 expected to get information from the Complainant—and instead was told to slow down—does not excuse responding to this valid, mundane complaint in a dismissive, abrupt way.

As discussed below at Allegation #3, OPA does not believe it can sustain a finding of dishonesty based on the elevated burden of proof for this allegation set forth in Article 3.1 of the SPOG CBA. But, even if OPA cannot find NE#1 violated SPD's dishonesty policy, OPA does find by a preponderance of the evidence that NE#1 exaggerated the substance and urgency of the call to the Complainant as a tactic to get the Complainant to "shut up." There was no indication on the Priority 2 suspicious circumstances CAD call that any weapons were seen. To the contrary, CAD remarks indicated both the identifying witness (Witness #1) and the secondary witness (who received her information from Witness #1) indicated there were no weapons seen. Relatedly, NE#1's 9:46 pm MDT messages show that he only told his fellow responding officers, "wanna come with...it's a stolen truck." NE#1 did not state on MDT or to dispatch that he recognized the individual as the Suspect, nor did he indicate there may be a firearm involved. Both details would have been relevant for situational awareness and officer safety. Instead, OPA finds that NE#1 strongly suspected the pictures depicted the Suspect and had at most, reasonable suspicion—informed by the Suspect's history and informant information—that the Suspect was presently armed. But the photographs did not fully capture the male individual—who appeared to be wearing a mask, as reported—nor did they depict any weapons. OPA finds NE#1 degraded public trust by responding to the Complainant's good-faith public safety complaint with condescension, dismissiveness, and exaggeration.

Accordingly, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**

Named Employee #1 – Allegation #2

13.030 - Emergency Vehicle Operations 5. Officers Are Responsible for the Safe Operation of Their Police Vehicle (Effective Date 03/01/2018).

The Complainant alleged that NE#1 drove in an unsafe manner, dangerously fast, and without emergency lights or sirens.

On the date of this incident, SPD Policy 13.030-POL-5 (effective date 03/01/2018) requires SPD officers to be responsible for the safe operation of their patrol vehicles. The policy instructs that: "Officers are not relieved of the obligation to drive with due regard for the safety of all persons." *Id.* The policy further states that: "Officers will drive no faster than reasonably necessary to safely arrive at the scene." *Id.* Relatedly, SPD policy guided that that driving in emergency response was permitted "only when the need outweighs the risk," noting that the "preservation of life is



the highest priority,” above criminal apprehension and the preservation of property. SPD Policy 13.030-POL-2 (effective date 03/01/2018). When an officer operated a police vehicle “in a manner substantially outside of a normal traffic pattern,” they were required to modify their driving when appropriate and use emergency lights. SPD Policies 13.030-POL-1, 13.030-POL-3, and 13.030-POL-4 (effective date 03/01/2018).

OPA recommends this allegation be Sustained.

NE#1’s emergency response driving violated both technical requirements and the overarching ethos of the policy.

The original call was dispatched as a Priority 2 suspicious circumstances call around 9:27 pm. NE#1 called Witness #1 around the same time. But NE#1 did not begin driving to the incident location for almost twenty minutes, telling other officers on MDT that he suspected it was a “stolen truck,” not a call involving a firearm. At that point—without emergency lights or sirens—NE#1 accelerated to 68 miles per hour on a road with a speed limit of 25 miles per hour. After activating his emergency lights, he continued to drive between 40 and 50 miles per hour—and reaching speeds in the low 60s—on a road with a speed limit of 25 miles per hour. NE#1 also ran multiple red lights (after appearing to appropriately clear them) and, on two occasions, crossed into the oncoming lane of traffic while speeding instead of waiting for other vehicles to clear out of his path. He then deactivated his emergency lights—well over a mile from the call location—and accelerated to speeds as high as 66 miles per hour on a 25 mile per hour road. Turning onto Fairview Avenue East, NE#1 averaged speeds in the 33-35 mile per hour range, achieving a high speed of about 45-46 miles per hour, all without emergency lights activated, on dark road with a 20 mile per hour speed limit.

On a technical level, NE#1 violated policy by driving faster than reasonably necessary to arrive safely given the facts of the call and failing to use emergency lights during the entirety of his emergency response. But overall, based on the information he had, NE#1’s driving was not in line with the mandates that “the preservation of life is the highest priority,” and to “drive no faster than reasonably necessary to safely arrive at the scene.” Accepting that NE#1 strongly suspected the individual pictured in Witness #1’s photographs was the Suspect, he had at most reasonable suspicion to suspect the Suspect was presently armed. Furthermore, at the time of his emergency response, he had absolutely no indication from any witnesses or dispatch that the Suspect had displayed or used a firearm in connection with the suspicious circumstances call. For a Priority 2 suspicious circumstances call that was—a property crime, NE#1 drove significantly more than double the speed limit, often without emergency lights activated, and crossed into the oncoming lane of traffic twice.

Accordingly, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**

Named Employee #1 – Allegation #3

5.001-POL 11. Employees Will Be Truthful and Complete in All Communication

The Complainant alleged that NE#1 lied to him by saying he was going to a gun call.

SPD Policy 5.001-POL-11 requires Department employees to be truthful and complete in all communications.

Several pieces of evidence raise significant concerns for OPA in this case. However, OPA recognizes that, “where the alleged offense is stigmatizing to a law enforcement officer,” such as dishonesty, “an elevated standard of review (i.e.



– more than preponderance of the evidence)” applies for any termination case, such as “dishonesty in the course of the officer’s official duties or relating to the administration of justice.” SPOG CBA Article 3.1.

According to NE#1, he reviewed this call and contacted Witness #1 by phone. Witness #1 then sent him photographs of the truck and male individual. NE#1 provided these photographs to OPA, and BWV of his cell phone screen corroborated this. NE#1 stated that he “immediately recognized” the male individual as the Suspect and “was aware he normally carries a firearm.” NE#1 said he “believe[d]” he told other responding officers this information by CAD, and he “believe[d]” he also sent them a text message. NE#1 said he then drove “code” to the call and, when confronted by the Complainant about his driving, he “explained” this to the Complainant, characterizing his statement⁸ as a kind of short-form way of telling the Complainant what he was doing.⁹

However, a fair amount of evidence NE#1 had at this time did not support this statement as potentially a known truth or complete. NE#1 was responding to a suspicious circumstances call where the CAD remarks indicated both Witness #1 indicated there were “NO WPNS SEEN.” NE#1 then had a phone call with Witness #1 and, in the connection with this phone call, Witness #1 sent NE#1 photographs that NE#1 said he “immediately” recognized as the Suspect. The pictures did not clearly show the individual’s face, and there was no indication in the photographs of a weapon. But NE#1 did not begin responding to the call location until about twenty-five minutes later. Despite communicating with his fellow officers by MDT, NE#1 did not message them that he recognized the Suspect or message them any information about the possibility of a firearm on MDT. Instead, he only indicated the call involved a “stolen truck.” Believing the individual could be the Suspect, NE#1 drove in emergency response—see Allegation #2—to the call but was confronted by the Complainant. NE#1 then justified his driving by telling the Complainant he was responding to “somebody with a gun.” As discussed above at Allegation #1, this statement appears to be an exaggeration.

However, OPA also examined whether NE#1’s conduct after his interaction with the Complainant. First, NE#1 deactivated both his ICV and BWV, reactivating both seconds later. Also, having driven in emergency response most of the way to the call location, NE#1 stopped short of arriving and, instead, called Witness #1 back, principally confirming information he either already had or that was not relevant to locating the reported suspicious circumstance. He remained in that area for more than two and a half additional minutes. During his second phone conversation with Witness #1, both parties’ voices could be heard for the entirety of the call with the sole exception of the last twenty seconds. During that last twenty seconds, only NE#1’s voice was recorded on BWV and ICV, stating information—purportedly repeated from Witness #1—about an observation of the firearm on the male individual’s hip. Witness #1 denied seeing a firearm and also denied telling either 911 or NE#1 that he saw a firearm, even when he was prompted by the OPA investigator. Witness #1 had no apparent motive to be untruthful to OPA about this fact, and his account is at least partially corroborated by the CAD remarks.¹⁰ Nor did either Witness #1 or, later, the female 911 caller, call 911 back with this information. This leaves a question as to how two community members who felt compelled to contact 911 about a suspicious circumstance in the first place decided to leave the scene without

⁸ “Do you know where I’m going? ... OK, somebody with a gun...so, I should probably go there pretty quick, yeah?”

⁹ “That’s when to, you know, explain to him that, hey, this is what I’m going to and I didn’t maybe say, I know who this guy is. I know that he does this, but I explained to him, Hey, I’m going to a guy with a gun, which I had prior knowledge of this guy having a gun. And then, yeah, closed my door and drove away.”

¹⁰ Nor was there any apparent motive for Witness #1 to lie to NE#1 about seeing a firearm to speed up the police response, as 911 callers sometimes do. Witness #1 did not implore NE#1 to hurry, did not indicate he was in any danger, and can very clearly be heard confirming he had already left the area.



updating 911 about seeing a firearm on a male they suspected of being intoxicated and burglarizing houseboats.¹¹ Instead, this information would have gone unreported unless NE#1 called Witness #1 back—over half an hour later—at which point Witness #1 did not mention anything about a firearm to NE#1 until the very end of the phone call. Nor did NE#1 ask Witness #1 any additional questions about the firearm, repeating only that he saw a firearm on the male's hip. NE#1 then sent an MDT message to his backing officers with only that information, but did not update dispatch with the additional information about the reported firearm. Alternatively, NE#1 stated he was informed by the suspect's history and informant information – that the suspect was presently armed.

OPA recognizes the elevated burden of proof in dishonesty cases and, based on the evidence of this record, finds it does not meet the elevated burden of proof for this allegation.

Accordingly, OPA recommends this allegation be Not Sustained – Inconclusive.

Recommended Finding: **Not Sustained – Inconclusive**

¹¹ Witness #1 also took the extra steps of confronting the male individual about his actions and taking photographs of the man, his truck, and the license plate.