



CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 26, 2025

FROM: INTERIM DIRECTOR BONNIE GLENN
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0462

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties POL-2. Employees Must Adhere to Laws, City Policy, and Department Policy	Sustained
# 2	13.080 – Use of Department Vehicles, 13.080-POL 11. Prohibited Activities During Use of Department Vehicles	Not Sustained - Management Action
# 3	13.030 - Emergency Vehicle Operations, 13.030-POL 5. Officers Are Responsible for the Safe Operation of Their Police Vehicle (Eff. 8/24/24)	Sustained
Proposed Discipline		
9 Hours (1 Day) to 18 Hours (2 Days) Suspension		
Imposed Discipline		
Written Reprimand and Additional EVOC Training by 12/31/25		

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:

Named Employee #1 (NE#1) drove through both a red light and a stop sign at an intersection without fully stopping and struck Community Member #1 (CM#1), a bicyclist. NE#1 allegedly violated the Seattle Municipal Code (SMC), engaged in prohibited activity while using a department vehicle, and operated his police vehicle unsafely.

ADMINISTRATIVE NOTE:

On February 12, 2025, the Office of Inspector General certified OPA's investigation as thorough, timely, and objective.



STATEMENT OF FACTS:

A. OPA Complaint

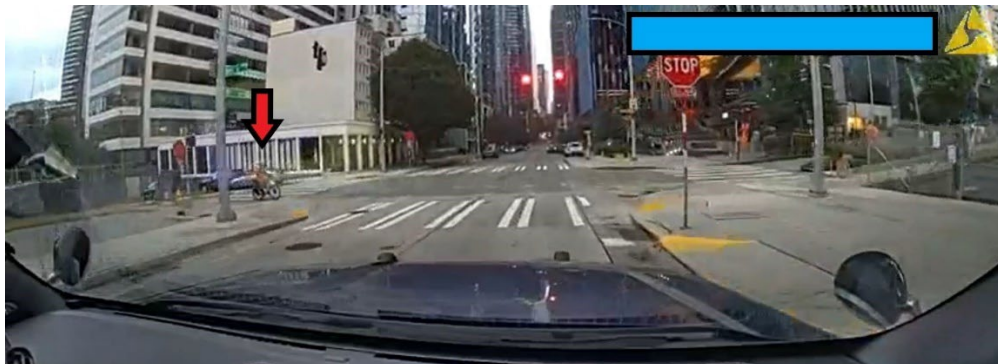
On December 17, 2024, the Complainant, an SPD assistant chief, submitted an OPA complaint detailing the following incident. On August 24, 2024, NE#1 drove an SPD vehicle and approached a red-light intersection. NE#1 did not fully stop, drove into the intersection without clearing it, and struck CM#1, who was cycling with the flow of traffic. The Complainant alleged that NE#1 failed to drive with due care.

OPA investigated the complaint by reviewing the computer-aided dispatch (CAD) call report, in-car video (ICV), body-worn video (BWV), business surveillance video, police traffic collision report (PTCR), NE#1's statement, chain-of-command reports, performance appraisal system (PAS) entry, training records, and Seattle Fire Department patient care records. OPA also interviewed NE#1. OPA was unable to contact CM#1 for an interview.

B. In-Car Video (ICV)

ICV captured the following:

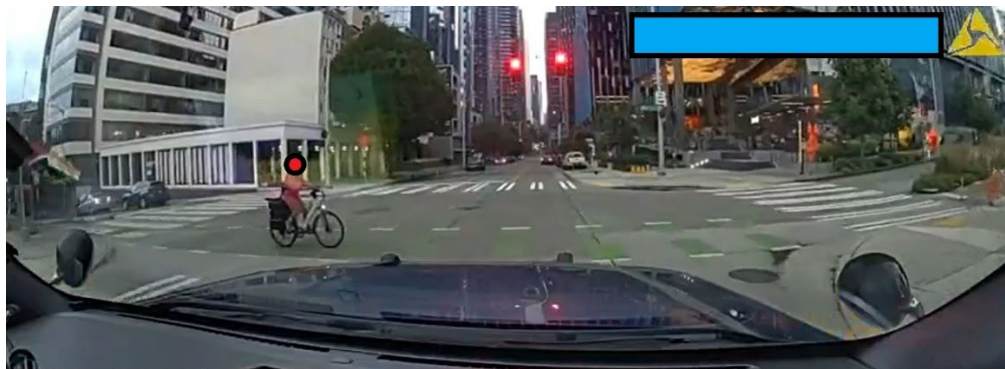
NE#1 approached an intersection featuring a stop sign alongside a red light that was persistently flashing. CM#1 cycled through the intersection in the bicycle lane, failing to halt at the stop sign:



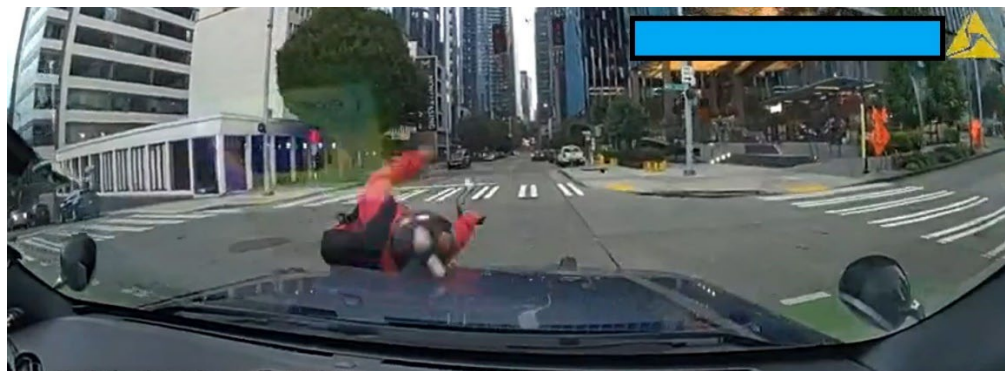


CLOSED CASE SUMMARY

OPA CASE NUMBER: 2024OPA-0462



NE#1 appeared to reduce speed slightly as he neared the intersection but did not fully stop. NE#1 drove into the intersection and struck CM#1's right side, causing her upper body to impact the hood of NE#1's police vehicle:





CM#1 was thrust from NE#1's police vehicle and appeared to fall onto her buttocks in the intersection. NE#1 then exited his vehicle and helped move CM#1 and her bicycle away from the intersection.

C. Reports

Police Traffic Collision Report

Witness Officer #1's (WO#1) PTCR stated that NE#1's police vehicle sustained minor damage to the front end of the push bar. WO#1 wrote that NE#1 repeatedly asked CM#1, "How did you not see me?" WO#1 wrote that CM#1 was confused about how NE#1 failed to notice her while she was able to see him. WO#1 wrote that CM#1 braced her fall with her hand. WO#1 wrote that CM#1 sustained a minor scrape on her right ankle, and her bicycle's right pedal was bent inward, rendering it inoperable. WO#1 wrote that American Medical Response transported CM#1 to a hospital, after being evaluated by SFD, due to her complaints of pain.

Named Employee #1's Statement

NE#1's statement indicated that he believed he had fully stopped at the intersection and ensured it was clear before driving through it. However, upon further reflection, NE#1 remembered that he neither fully stopped nor cleared the intersection.

Chain-of-Command Review

- A sergeant characterized the collision as preventable.
- Witness Supervisor #1 (WS#1), a lieutenant, concurred with the sergeant's assessment and remediation. WS#1 observed that NE#1 failed to stop as required and did not ensure the intersection was clear before proceeding, resulting in a collision. WS#1 recommended that NE#1 undergo further driver training. WS#1 also noted that the sergeant indicated NE#1 did not activate his ICV and BWV in a timely manner and failed to screen the late activation in a timely manner.
- A captain concurred with WS#1's assessment.
- On December 12, 2024, the Collision Review Board's (CRB) conclusions were consistent with those described above. CRB noted that NE#1 was involved in ten collisions throughout his service, with eight being classified as preventable. CRB also noted that NE#1 received additional driving training in 2022 but had since been involved in two more collisions, including this incident.

D. Performance Appraisal System (PAS) Entry

On November 19, 2024, a PAS entry documented a discussion between NE#1 and WS#1, during which WS#1 counseled NE#1 regarding his numerous preventable collisions and described the expectations for safe driving. The entry indicated that WS#1 prohibited NE#1 from operating a department vehicle until he underwent a multi-day training and evaluation process and instructed NE#1 to ride as a passenger in a two-officer vehicle during this period.



E. Training Records

A detective documented that on December 3, 2024, he provided retraining to NE#1 regarding driving practices, which included a discussion on minimizing distractions while operating a vehicle, pulling over to use devices, and other relevant safety measures. The detective also documented his observations concerning NE#1's driving performance, identified driving issues, and provided suggestions aimed at improving driving behavior. The detective described NE#1's overall driving as "okay" but expressed concern about his distraction due to the computer.

Additionally, another detective—a Traffic Collision Investigation Unit officer and a certified instructor for emergency vehicle operations courses—documented that on December 19, 2024, he observed NE#1's driving performance, identified driving issues, and provided suggestions aimed at improving driving behavior.

F. OPA Interviews

Witness Supervisor #1

On December 20, 2024, OPA interviewed WS#1. WS#1 said he enrolled NE#1 in a progressive training plan to address concerns regarding his driving performance. WS#1 also referenced the PAS entry documenting the counseling NE#1 received, as well as the driving training he was required to complete.

Named Employee #1

On January 23, 2025, OPA interviewed NE#1. NE#1 recounted that as he neared the intersection, he glanced at his mobile data terminal (MDT), heard a thump, and subsequently stopped his police vehicle. NE#1 opined that his attention to the MDT was a distraction, particularly as a priority call was being broadcast, prompting him to review the location and details of the call. NE#1 denied seeing CM#1 before he entered the intersection. NE#1 acknowledged his responsibility for the collision and indicated his willingness to undergo any necessary training. NE#1 said he did not operate his police vehicle with malice or with the intent to violate the law. NE#1 said he has not driven since the collision.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

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

It was alleged that NE#1 violated SMC 11.50.320.

Employees must adhere to laws, city policy, and department policy. SPD Policy 5.001-POL-2. Every driver of a vehicle approaching a stop sign shall stop at a marked stop line. SMC 11.50.320(A). Before entering the intersection, and after having stopped, the driver shall yield the right-of-way to any vehicle which is in the intersection, or which is



approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways. SMC 11.50.320(B).

OPA found, by more than a preponderance of the evidence, that NE#1 violated SMC 11.50.320.¹ Video evidence showed that NE#1 approached a stop sign, failed to stop at the marked stop line, and failed to yield the right-of-way to CM#1, who was cycling through the intersection. Although video evidence showed that CM#1 failed to stop at her stop sign before cycling through it, such failure did not excuse NE#1's obligation to stop at the intersection.

Accordingly, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**

Named Employee #1 – Allegation #2

13.080 – Use of Department Vehicles, 13.080-POL-11. Prohibited Activities During Use of Department Vehicles

It was alleged that NE#1 engaged in prohibited activity while using a department vehicle.

SPD employees are prohibited from engaging in specific activities while operating a department vehicle. SPD Policy 13.080-POL-11. Among other things, SPD employees may not drive in a manner that is discourteous or aggressive unless necessary to effect a recognized law enforcement purpose. *Id.*

The evidence showed that NE#1 drove in a distracted manner, not in a discourteous or aggressive manner. Due to this distraction, NE#1's attention was diverted from the road, resulting in his failure to notice CM#1 cycling through the intersection. Distracted driving is not explicitly listed as a prohibited activity in SPD Policy 13.080-POL-11. It is reasonable to conclude that if NE#1 observed the intersection and CM#1, he would have stopped. Accordingly, OPA finds this allegation unfounded.

However, OPA is concerned about NE#1's involvement in 10 collisions throughout his service, with eight being classified as preventable. OPA was not informed of these previous incidents and would have remained unaware of this incident but for the Complainant's referral to OPA. Initially, NE#1's chain of command opted to address this incident internally, excluding OPA from the process. Therefore, OPA recommends SPD to establish objective standards and procedures to determine when and under which circumstances a "preventable" collision must be referred to OPA.

Accordingly, OPA recommends this allegation be Not Sustained – Management Action.

Recommended Finding: **Not Sustained – Management Action**

¹ Under the Seattle Police Officers' Guild Collective Bargaining Agreement (SPOG CBA), where "the alleged offense is stigmatizing to a law enforcement officer," an "elevated standard of review (i.e. – more than preponderance of the evidence)" applies. SPOG CBA article 3.1.



Named Employee #1 – Allegation #3

13.030 – Emergency Vehicle Operations, 13.030-POL-5. Officers Are Responsible for the Safe Operation of Their Police Vehicle (Effective March 1, 2018)

The Complainant alleged that NE#1 operated his police vehicle unsafely.

Officers are responsible for operating their police vehicles safely. SPD Policy 13.030-POL-5 (effective March 1, 2018). Officers must drive with due regard for everyone's safety. *Id.* Officers will drive no faster than reasonably necessary to safely arrive at the scene. *Id.*

A preponderance of the evidence established NE#1's violation of SPD's safe vehicle operation policy. NE#1 acknowledged being distracted while checking his MDT as he neared an intersection during daylight hours, fully aware that other drivers and pedestrians were present. That intersection featured both a flashing red light and a stop sign, providing NE#1 with clear indications of his obligation to stop. Nevertheless, NE#1 failed to stop and clear an intersection before proceeding. Consequently, NE#1's unsafe driving directly caused a collision.

Accordingly, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**