



CLOSED CASE SUMMARY

ISSUED DATE: NOVEMBER 6, 2018

CASE NUMBER: 2018OPA-0467

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	13.010 - Collisions Involving Department Vehicles 13.010-TSK-1 Department Employee Involved in a Collision	Sustained

Imposed Discipline

Oral 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:

It was alleged that the Named Employee was involved in an accident with a Department vehicle and did not immediately report the accident to a supervisor.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

13.010 - Collisions Involving Department Vehicles 13.010-TSK-1 Department Employee Involved in a Collision

At the time of the incident, Named Employee #1 (NE#1) was assigned to the Arson and Bomb Squad. He was driving a Department issued vehicle on the way to a detail when he got in an accident. NE#1 recounted that he incurred only minor damage to his car. He stated that the other motorist’s vehicle had significant damage, but that she told NE#1 that the damage was from a prior accident. NE#1 exchanged insurance information with the other motorist and then left the scene. He then completed his detail. The following day, NE#1 called his supervisor, informed him of the accident and his failure to report, and said that he had “messed up.” The supervisor arranged for a patrol unit to perform a traffic investigation, which included NE#1 providing a statement and generating a sketch. As required by policy, NE#1’s supervisor forwarded this matter to OPA and this investigation ensued.

SPD Policy 13.010-TSK-1 sets forth the responsibilities of a Department employee who is involved in a collision while driving a SPD vehicle. Relevant to this case, the policy requires that the officer: notify a supervisor immediately; remain on scene until relieved by the supervisor; cause a traffic investigation be completed; complete a report at the time of that investigation; and generate a sketch.

Based on the undisputed evidence in this case, NE#1 violated this policy. He did not immediately notify a supervisor and he did not remain at the scene until the supervisor arrived. As such, an investigation was not completed at that time and NE#1 did not generate either a statement or a sketch until the next day.



At his OPA interview, NE#1 acknowledged that he failed to comply with this policy. He stated that he was in a hurry to get to his detail and that he believed that the other motorist was also in a hurry. He had several later telephone conversations with the other motorists, which he characterized as becoming increasingly more demanding and going “downhill.” He stated that, in hindsight, he should have called his supervisor to the scene to verify that the other motorist’s vehicle was already significantly damaged prior to the incident.

This policy is in place for a reason. It requires a supervisor to be immediately notified in order to ensure that any damage to the Department vehicle and other involved vehicles is fully documented. This is due to the significant liability that the City can incur from such accidents. Here, when NE#1 did not immediately notify a supervisor, he prevented this contemporaneous investigation from occurring. This was further complicated by the fact that other motorist, who first acknowledged that her car had previous damage, appeared to back off of that account during her subsequent phone calls with NE#1. Because he did not notify a supervisor, however, it is now NE#1’s word versus the other motorist’s. This is not an advantageous position for the City to be in.

Given the reasons stated above, I recommend that this allegation be Sustained. I note that this decision is consistent with past Department precedent. Moreover, while OPA appreciates that NE#1 admitted to his errors and commends NE#1 for a long career without any discipline, this serves as mitigation for any prospective discipline rather than changes the recommended finding in this case.

Recommended Finding: **Sustained**