



CLOSED CASE SUMMARY

ISSUED DATE: DECEMBER 4, 2020

FROM: DIRECTOR ANDREW MYERBERG
 OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2019OPA-0454

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	Sustained
# 2	5.001 Standards and Duties 10. Employees Shall Strive to be Professional	Sustained
# 3	13.080 - Use of Department Vehicles 11. Prohibited Activities During Use of Department Vehicles	Sustained

Imposed Discipline

Suspension Without Pay: 6 days/hrs

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 Named Employee was alleged to have violated Department policies when he was arrested for DUI.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

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

Named Employee #1 (NE#1) was involved in a single car collision while operating a joint taskforce vehicle. The car was totaled. The Washington State Patrol (WSP) responded to the collision and determined that NE#1 was impaired. NE#1 was placed under arrest. He was also transported to a hospital where his injuries were treated. NE#1’s chain of command was advised of the incident and made a referral to OPA. This investigation ensued.

OPA’s investigation included reviewing the WSP reports, photographs of the accident and NE#1’s injuries, and the criminal court docket. The latter materials indicated that NE#1 ultimately pleaded guilty to reckless endangerment, which is a gross misdemeanor. Pursuant to his plea, NE#1 received a suspended sentence, and was also required to pay a fine, complete community service, and meet other conditions. Lastly, NE#1 was placed on probation.

OPA further interviewed NE#1. He accepted complete responsibility for his actions. He admitted drinking a significant amount of alcohol at a bar prior to getting into the accident and said that he was intoxicated. He confirmed that he pleaded guilty knowingly and voluntarily. He told OPA that he was embarrassed by his actions. He



said that he had a significant amount of personal stress at that time but recognized that this was not an excuse for what he did. He stated that, since the incident, he has gone through intensive outpatient counseling and he was committed to never revisit this behavior. When asked about each of the policies alleged against him in this case, NE#1 confirmed that he violated all of them.

SPD Policy 5.001-POL-2 requires that employees adhere to laws, City policy, and Department policy. This includes compliance with the laws prohibiting driving while impaired. 5.001-POL-10 requires that SPD employees “strive to be professional at all times.” The policy further instructs that “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers.” (SPD Policy 5.001-POL-10.)

As discussed above, NE#1 candidly acknowledged that his conduct violated multiple Department policies, including 5.001-POL-2 and 5.001-POL-10. NE#1 did not make excuses and accepted responsibility for what he did. NE#1 is aware that his conduct violated the law and was unprofessional and OPA concurs that this was the case. OPA credits NE#1 for seeking counseling in the aftermath of this incident and, like him, hopes that this behavior is not repeated in the future.

For these reasons set forth herein, OPA recommends that both Allegation #1 and Allegation #2 be Sustained.

Recommended Finding: **Sustained**

Named Employee #1 – Allegation #2

5.001 Standards and Duties 10. Employees Shall Strive to be Professional

For the same reasons as stated above (see Named Employee #1 – Allegation #1), OPA recommends that this allegation be Sustained.

Recommended Finding: **Sustained**

Named Employee #1 – Allegation #3

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

SPD Policy 13.080-POL-11 discusses prohibited activities during the operation of Department vehicles. A joint taskforce vehicle is considered a Department vehicle for the purposes of this policy. Amongst the activities prohibited is driving while impaired. (SPD Policy 13.080-POL-11.)

By driving his Department vehicle to a bar, consuming alcohol to the point of being impaired, and then operating the vehicle, he acted contrary to this policy. This is even more the case given that NE#1 subsequently got into an accident and totaled the car.

Accordingly, OPA recommends that this allegation be Sustained.

Recommended Finding: **Sustained**