



## ***CLOSED CASE SUMMARY***

ISSUED DATE: FEBRUARY 26, 2020

CASE NUMBER: 2019OPA-0926

### **Allegations of Misconduct & Director's Findings**

Named Employee #1

Allegation(s):		Director's Findings
# 1	15.260 - Collision Investigations 2. Officers Take Collision Reports for All Mandatory Reportable Collisions	Not Sustained (Lawful and Proper)

***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 the Named Employee failed to adequately investigate a collision and acted inappropriately by not citing the other involved motorist.

### **ADMINISTRATIVE NOTE:**

This case was designated as an Expedited Investigation. This means that OPA, with the review and approval of the Office of Inspector General for Public Safety, believed that it could reach and issue recommended findings based solely on its intake investigation and without interviewing the Named Employees. As such, the Named Employees were not interviewed as part of this case.

### **ANALYSIS AND CONCLUSIONS:**

#### **Named Employee #1 - Allegations #1**

#### ***15.260 - Collision Investigations 2. Officers Take Collision Reports for All Mandatory Reportable Collisions***

The Complainant was involved in a traffic accident with another motorist. Named Employee #1 (NE#1) responded to the scene to investigate the collision. The Complainant subsequently initiated this OPA complaint in which he alleged that NE#1 failed to recognize that there was substantial damage to his vehicle. The Complainant further alleged that NE#1 acted inappropriately when he did not cite the other motorist. Based on the Complainant's allegations, OPA initiated this investigation.

As part of its investigation, OPA reviewed the Body Worn Video (BWV) recorded by NE#1. The BWV indicated that NE#1 spoke to the other motorist who stated that his foot slipped and, as a result, he bumped the Complainant's vehicle. The other motorist told NE#1 that he went to speak with the Complainant and that the Complainant started yelling at him. The other motorist then returned to his vehicle. NE#1 asked about damage and the other motorist said that he did not see any. The other motorist told NE#1 that he had not moved his vehicle since the accident. NE#1 looked at the vehicles and then went to speak with the Complainant.

The Complainant stated that he was stopped at a red light when the other motorist pulled behind him. He said that the other motorist's head lights were so bright that they were "blinding" him. The Complainant informed NE#1 that the light turned green and he paused for a "few minutes" because he was "seeing spots." The Complainant asserted

that the other motorist then intentionally ran into his vehicle. NE#1 told the Complainant that he did not see any damage to the Complainant's vehicle. The Complainant said that this was "not the point" and again referenced what he believed were the other motorist's intentional actions. NE#1 asked him if he wanted a report to be written and the Complainant said that he did. The Complainant stated that he was going to take the other motorist to court and that the other motorist was going to "pay out the nose for this."

NE#1 returned to the other motorist and told him that he did not see damage to either vehicle. NE#1 indicated that he was going to complete an incident report and stated that he would not be issuing a citation. NE#1 walked to his patrol vehicle and entered the involved parties' information into a report. He then returned to the other motorist and let him know that the Complainant was threatening to bring a lawsuit. He also spoke with the Complainant and asked the Complainant if he had any other questions. The Complainant stated: "Nah, I see how it is." NE#1 responded: "I'm not sure what that means sir, but, like I said, I'll file a report at your request." NE#1 then ended his contact with the involved motorists and they drove from the scene.

SPD Policy 15.260-POL-3 states that officers will write a report for an otherwise non-reportable collision when requested by one of the involved motorists. A collision is non-reportable where the apparent damage is less than \$1,000. In addition, as set forth in SPD Policy 15.260-POL-2, officers have the discretion as to whether or not to cite the at-fault motorist in a non-reportable collision.

Here, NE#1 examined both of the involved vehicles and saw no indication of any damage, let alone damage in excess of \$1,000. Given this, he made the determination that the collision was non-reportable. Based on OPA's review of the evidence – including the BWV, OPA finds that this was a reasonable decision. Given this conclusion, NE#1 was not required to issue a notice of infraction or criminal citation and, thus, did not violate policy when he declined to cite the other motorist. Lastly, while not required under the circumstances, NE#1 completed a report when requested to do so by the Complainant. The report was thorough, complete, and accurate.

For the above reasons, OPA recommends that this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained (Lawful and Proper)**