



CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 28, 2020

CASE NUMBER: 2020OPA-0018

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	SPD Manual Section 13.080 – Use of Department Vehicles, 11. Prohibited Activities	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 drove in an unsafe manner and was texting while driving.

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 Employee. As such, the Named Employee was not interviewed as part of this case.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

13.080 – Use of Department Vehicles, 11. Prohibited Activities

An anonymous Complainant alleged that an officer was operating a patrol vehicle in an unsafe manner. Specifically, the Complainant asserted that the officer, who the Complainant identified as a female, cut the Complainant off, made unsafe lane changes, and was texting while driving. The Complainant provided an approximate date and time of the incident, as well as a license plate number for the patrol vehicle. While the Complainant claimed to have dash cam footage of the officer's driving, OPA could not obtain this footage as the Complainant provided no contact information.

OPA determined that the patrol vehicle in question was driven by Named Employee #1 (NE#1). OPA reviewed the In-Car Video and Body Worn Video recorded by NE#1 for the date and time in question. OPA concluded that, at no point, did NE#1 drive in an unsafe manner. Though the video depicted her making a lane change without putting her turn signal on, this did not appear to put any other vehicles at risk or to be an unsafe maneuver. In addition, while OPA determined via GPS records that the Complainant's speed reached 67 miles per hour while she was on I-5, this was not significantly outside the flow of the other traffic on the highway at that time. Lastly, while OPA verified that NE#1 used her MDT system while driving, including touching her screen and typing on her keyboard, she was permitted to do so by both law and policy, and this did not appear to interfere with her safe operation of the patrol vehicle.



For the above reasons, OPA finds that NE#1 acted consistent with SPD policy concerning patrol vehicle operations. As such, OPA recommends that this allegation be Not Sustained – Lawful and Proper.

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