



CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 15, 2020

CASE NUMBER: 2020OPA-0044

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	13.080 - Use of Department Vehicles 11. Prohibited Activities During Use of Department Vehicles	Not Sustained (Unfounded)

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 operated his patrol vehicle in an unsafe manner.

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 During Use of Department Vehicles

The Complainant initiated this complaint with OPA. She contended that an unknown SPD officer operated his patrol vehicle unsafely, including cutting her off, using emergency lights to go through four intersections, and nearly causing two other cars to collide.

OPA identified that Named Employee #1 (NE#1) was operating the patrol vehicle in question. OPA verified that, at the time of this incident, NE#1 and his partner were dispatched to a priority one call. The call concerned a robbery at a grocery store and a report that the perpetrators were threatening store security with a hatchet. As a result, NE#1 began driving in an emergency response to the grocery store. This was permitted by and consistent with policy. While doing so, NE#1 drove through multiple intersections against the light or without making a complete stop at a stop sign. On each occasion, NE#1 activated his patrol vehicle's emergency equipment and slowed down to clear the intersection. This was also permitted by and consistent with policy.

OPA watched the In-Car Video (ICV) that recorded NE#1's driving. Based on OPA's review of the ICV, there was no indication that NE#1 drove carelessly or unsafely. Further, it did not appear that NE#1 ever put other motorists in danger or that other cars nearly collided as a result of NE#1's emergency vehicle operations.



While OPA recognizes that it may have been concerning for the Complainant when NE#1 drove around her and engaged in emergency driving, he was permitted to do so by law and policy. Moreover, based on the circumstances of the call he was responding to, the Department expected him to operate his patrol vehicle in this manner and, indeed, trained him to do so. As such, OPA recommends that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained (Unfounded)**