



CLOSED CASE SUMMARY

ISSUED DATE: 04/03/2020

CASE NUMBER: 2020OPA-0113

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	13.030 - Emergency Vehicle Operations 5. Officers Are Responsible for the Safe Operation of Their Police Vehicle	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 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 Employees. As such, the Named Employees were not interviewed as part of this case.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

13.030 - Emergency Vehicle Operations 5. Officers Are Responsible for the Safe Operation of Their Police Vehicle

The Complainant alleged to OPA that she observed a patrol vehicle driving in an unsafe manner. She stated that the patrol vehicle did not pause to check for traffic prior to proceeding through an intersection. She explained that, as a result, she was forced to slam on her brakes and to swerve in order to avoid and not strike the patrol vehicle. This OPA investigation ensued.

As part of its investigation, OPA determined that Named Employee #1 (NE#1) was driving the vehicle in question. OPA also determined that, at that time, he was responding to a call concerning a suspect who had pulled a gun on a community member. OPA further reviewed the In-Car Video (ICV) from NE#1's patrol vehicle. The ICV showed that NE#1 activated his patrol vehicle's emergency equipment and drove up to the intersection identified by the Complainant. The ICV further indicated that NE#1 came to nearly a full stop prior to proceeding through. OPA additionally watched the ICV of the officer driving behind NE#1, which confirmed that NE#1's patrol vehicle slowed down and nearly came to a full stop before continuing through the intersection. The Complainant's vehicle was not visible on either officer's ICV.

SPD Policy 13.030-POL-5 requires officers to safely operate their patrol vehicles. Here, the totality of the evidence established that NE#1 complied with this policy. Notably, NE#1 did slow down prior to proceeding through the



intersection. He did not, as the Complainant contended, fail to pause to check for traffic. At all times observed by OPA on the ICV, NE#1 operated his patrol vehicle safely and appropriately.

While it is unfortunate that the Complainant felt in danger by NE#1's driving, it is important to note that, at the time, he was responding to a weapons call, which could possibly have involved serious harm to community members. As such, he was permitted both by policy and law to drive in an emergency fashion.

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

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