



## ***CLOSED CASE SUMMARY***

ISSUED DATE: JUNE 1, 2022

FROM: DIRECTOR ANDREW MYERBERG  
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2021OPA-0353

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

Named Employee #1

Allegation(s):		Director's Findings
# 1	13.010 - Collisions Involving Department Vehicles 3. Employees Will Notify a Sergeant of Department Vehicle Collisions	Sustained
Imposed Discipline		
Suspension Without Pay		

***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:**

It was alleged that the Named Employee failed to timely report a collision to her supervisor.

### **SUMMARY OF INVESTIGATION:**

On July 21, 2021, at approximately 1:30 p.m., Named Employee #1 (NE#1), an SPD Community Service Officer (CSO) was driving a Department vehicle when she struck a truck while trying to pass it. The collision caused the passenger side mirror of the Department vehicle to be knocked off. Witness Employee #1 (WE#1) – also a CSO – was sitting in the passenger seat. NE#1 did not stop her vehicle and continued driving. NE#1 documented that she and WE#1 returned to the scene at some point later and recovered the mirror. NE#1 also indicated in a subsequent report that she and WE#1 tried to find the truck that she collided with but that they could not do so. NE#1 stated that, while she heard a noise at the time of the impact, she did not know what occurred. WE#1 said that she was looking at her phone at the time of the impact, but when she looked up, she saw that the passenger side mirror was missing. NE#1 did not immediately report the collision to a supervisor and did not do so until around 7:45 p.m.

This matter was referred to OPA by NE#1's chain of command. OPA, in turn, made a criminal referral, as it was possible that NE#1's actions constituted a hit and run. The criminal investigator did not find probable cause to believe that this crime occurred and, after conferring with a prosecutor, was informed that the case did not meet filing standards. The case was then referred back to OPA to be administratively investigated.

## **ANALYSIS AND CONCLUSIONS:**

### **Named Employee #1 - Allegation #1**

#### ***13.010 - Collisions Involving Department Vehicles 3. Employees Will Notify a Sergeant of Department Vehicle Collisions***

SPD Policy 13.010-POL-3 requires that employees notify a supervisor of Department vehicle collisions. The policy specifies that this notification must be immediate.

Here, NE#1 did not notify a supervisor for over six hours. This was clearly contrary to policy and prevented a prompt investigation of the collision. While NE#1 said that she was not familiar with the exact components of this policy, that is not an excuse. As an SPD employee with access to a vehicle, she is obligated to familiarize herself with the Department's requirements in this area.

In addition, and while not necessarily relevant to this allegation, OPA puts NE#1 on notice that OPA strongly considered issuing a determination that she violated the law during this incident. OPA's reading of SMC 11.56.420 is much less forgiving than that of either the criminal investigator or the prosecutor. Such a finding would have resulted in significant disciplinary action. This should serve as a wakeup call to NE#1, as future similar conduct will not be tolerated.

For the above reasons, OPA recommends that this allegation be Sustained.

Recommended Finding: **Sustained**