




CLOSED CASE SUMMARY

ISSUED DATE: OCTOBER 3, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2023OPA-0154

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 – Standards and Duties 11. Employees Will Be Truthful and Complete in All Communication	Not Sustained - Unfounded (Expedited)

Named Employee #2

Allegation(s):		Director's Findings
# 1	5.001 – Standards and Duties 11. Employees Will Be Truthful and Complete in All Communication	Not Sustained - Unfounded (Expedited)

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 was involved in an automobile collision. Named Employee #1 (NE#1) and Named Employee #2 (NE#2) responded to the scene. The Complainant alleged the named employees were dishonest when they informed her neither party would be cited for the collision. The Complainant also alleged that NE#1 lied in his police report.

ADMINISTRATIVE NOTE:

This case was approved for Expedited Investigation. That means OPA, with the Office of Inspector General's (OIG) agreement, believed it could issue recommended findings based solely on its intake investigation without interviewing the named employees. As such, OPA did not interview the named employees in this case.

On May 8, 2023, OIG certified OPA's investigation as thorough, timely, and objective.

Pursuant to the OPA Internal Operations and Training Manual, Section 7.1, OPA findings are evaluated based on a preponderance of the evidence standard. To sustain a finding, OPA must prove that an officer more likely than not committed the alleged misconduct.

SUMMARY OF INVESTIGATION:

On April 6, 2023, OPA received a complaint and opened an intake investigation. During its investigation, OPA reviewed the OPA complaint, computer-aided dispatch (CAD) call report, body-worn video (BWV), incident report, and notice



of infraction (NOI). OPA made three attempts to contact the Complainant for an interview, but the Complainant did not respond.

A. OPA Complaint

The Complainant filed an online OPA complaint. The Complainant wrote that on March 25, 2023, at around 1:30 PM, her car “was struck by another vehicle.” The Complainant wrote that NE#1 and NE#2 arrived at 2:30 PM to take her statement, but the other driver left after providing her with his information. The Complainant wrote that she provided the officers with her account of the collision and the other driver’s information. The Complainant wrote that the named employees said “they could not cite either driver” because both parties were not present. The Complainant wrote that she later reviewed NE#1’s police report and learned she was cited for unsafe lane change or straddling, pursuant to Seattle Municipal Code (SMC) 11.150.100. The Complainant wrote, “I was NOT cited for this infraction” and “[NE#1] is a liar and unhelpful.”

B. Computer-Aided Dispatch (CAD) Call Report and Body-Worn Video (BWV)

On March 25, 2023, at 1:53 PM, CAD call remarks noted a two-vehicle collision with no injuries.

NE#1’s and NE#2’s BWV captured the named employees’ March 25, 2023, response to the incident location. The Complainant was with Community Member #1 (CM#1)—the Complainant’s friend. The Complainant said she was attempting to merge into traffic from a parking spot. The Complainant said Community Member #2 (CM#2)—the other driver—came to a complete stop, which the Complainant thought meant he was allowing her to merge into the lane. The Complainant said CM#2 accelerated and struck her left driver’s side as she entered the lane. The Complainant’s front bumper was visibly damaged.

BWV captured the following exchange:

NE#2:	The way of the car’s movements and our requirements to write tickets, it sounds like you improperly merged into traffic.
Complainant:	Okay, after he allowed...
NE#1:	That’s not, that’s not a determination of guilt or anything. Insurance companies handle all of that. We just write the report. Here's what this side said. Here’s what the other side said. And we’re, we’re required to cite someone for something if we make a police report about a collision.
NE#2:	So, you’re in a parked car beside the street, merging into the traffic lane, the moving lane. You have to make sure it’s clear.
CM#1:	Even if somebody gives you a full, complete stop?
Complainant:	It was clear.
NE#2:	This showed it wasn’t clear. There was a crash.



- NE#1:** And we'll put that, we'll put that in the report, and the insurance companies can hash that out. We're not saying anyone's guilty here.
- NE#2:** So, it has to be clear before you move from a parking lane into the traffic lane on the street.
- Complainant:** So aggravated.

NE#1 gave the Complainant his business card and pointed out the incident number to her. NE#1 photographed the Complainant's vehicle. NE#2 told the Complainant he would call CM#2 to get his story.

C. Incident Report and Notice of Infraction (NOI)

OPA reviewed NE#1's incident report and found it consistent with the BWV summarized above. NE#1 also documented speaking with CM#2. CM#2 reported driving approximately 10 miles per hour when the Complainant attempted to merge into his lane and collided with his vehicle. CM#2 reported damage to the right passenger side's front tire and his car's right passenger.

NE#1 also wrote that he cited the Complainant for unsafe lane change or straddling, SMC 11.53.100. OPA reviewed the notice of infraction (NOI) containing the Complainant's name and information. The NOI's report summary mirrored NE#1's incident report. A box marked "TICKET SENT TO COURT FOR MAILING" was checked. NE#1 signed the NOI under penalty of perjury on March 25, 2023.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

5.001 – Standards and Duties 11. Employees Will Be Truthful and Complete in All Communication

The Complainant alleged that NE#1 was untruthful.

Department employees must be truthful and complete in all communications. SPD Policy 5.001-POL-11.

Here, the Complainant alleged that the named employees said they could not cite either driver since both parties were not present. The Complainant also believed that NE#1 was a "liar" for writing in his incident report that he cited the Complainant. However, BWV disproved the Complainant's claim that the named employees said they could not cite either driver. It showed NE#1 saying, "We're required to cite someone for something if we make a police report about a collision." NE#2 also opined that the Complainant was likely at fault, saying, "It sounds like you improperly merged into traffic" and "you have to make sure it's clear." The NOI reflected information from NE#1's incident report and noted that the infraction was sent to the Seattle Municipal Court for mailing. NE#1 signed and dated the NOI under penalty of perjury. Overall, there is insufficient evidence to find that the named employees were untruthful.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

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



Named Employee #2 – Allegation #1

5.001 – Standards and Duties 11. Employees Will Be Truthful and Complete in All Communication

The Complainant alleged that NE#2 was untruthful.

For the reasons at Named Employee #1 – Allegation #1, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

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