



CLOSED CASE SUMMARY

ISSUED DATE: JULY 8, 2024

FROM: DIRECTOR GINO BETTS, JR. 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0043

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	15.180 – Primary Investigations, 15.180-POL-5. Officers Shall Document all Primary Investigations on a Report	Not Sustained - Lawful and Proper (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 alleged that Named Employee #1 (NE#1) wrote an inaccurate vehicular collision report.

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the Office of Inspector General's (OIG) agreement, believed it could issue a recommended finding based solely on its intake investigation without interviewing the named employee. As such, OPA did not interview the named employee in this case.

On February 26, 2024, OIG certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

On January 17, 2024, the Complainant filed an OPA complaint, writing, "[NE#1] wrote a false incident report."

OPA investigated the complaint, reviewing the computer-aided dispatch (CAD) call report, body-worn video (BWV), police traffic collision report (PTCR), and traffic crash report. OPA also interviewed the Complainant.

On December 26, 2023, at 11:17 PM, CAD call remarks noted, "MALE HIT [REPORTING PARTY'S] VEH[ICLE] WITH HIS OWN VEH[ICLE] BECAUSE [REPORTING PARTY] GOING TOO SLOW."

NE#1 responded to the incident location and activated his BWV, capturing the following:

NE#1 interviewed Community Member #1 (CM#1), who reported that she was stopped at a Wendy's drive-through lane when the Complainant, attempting to cut in front of her, struck the passenger side of her vehicle. CM#1 said the Complainant blamed her for the collision but could not produce insurance documentation. CM#1 said she provided her insurance information to the Complainant.



A witness officer who interviewed the Complainant approached NE#1 and provided the Complainant's account. That officer said the Complainant reportedly drove around CM#1 in the drive-through lane, but CM#1 attempted to block him. NE#1 approached the Complainant, who reported that he tried maneuvering around CM#1 because of a gap in front of her. The Complainant said CM#1 "scooted up really fast" and struck the side of his vehicle. NE#1 told the Complainant that CM#1 had the right of way while waiting in line, and the Complainant went out of line to go around her. NE#1 said the insurance companies would determine who was at fault. NE#1 advised the Complainant that he would be cited for failing to have insurance.

NE#1's PTCR, which duplicated the information in the traffic crash report, was consistent with BWV observations. NE#1 documented the Complainant's version of events as follows:

[The Complainant] was driving behind [CM#1] in the drive-through line of Wendy's when he noticed that there was a big gap in front of [CM#1], so he decided to drive around [CM#1], to get in front of the vehicle. As he did so, [the Complainant] alleges that [CM#1] drove to the right, which caused the vehicle to collide with [the driver's] side of his car [].

On February 1, 2024, OPA interviewed the Complainant. The Complainant believed NE#1 falsely documented that the Complainant tried to "get in front of [CM#1]." The Complainant claimed he told NE#1 he was trying to leave, not cut in front of CM#1.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

15.180 – Primary Investigations, 15.180-POL-5. Officers Shall Document all Primary Investigations on a Report

The Complainant alleged that NE#1 wrote an inaccurate report.

Officers must document all primary investigations in a report. SPD Policy 15.180-POL-5. All reports must be complete, thorough, and accurate. *Id.*

NE#1's documentation of the Complainant's version of events was consistent with the Complainant's statements. The Complainant noted a gap in front of CM#1, so the Complainant tried to "go around her"—a statement the Complainant repeated four times. Even as NE#1 clarified the Complainant's version of events, the Complainant never mentioned his claimed intent to exit the Wendy's drive-through. Additionally, CM#1 reported to NE#1 that the Complainant tried to cut in front of her. NE#1 reasonably concluded—based on CM#1's version of events, the gap in front of CM#1, the Complainant repeatedly saying that he tried to "go around her," and the absence of the Complainant's claimed intent to exit the Wendy's drive-through—that the Complainant intended to cut in front of CM#1. NE#1's PTCR was complete, thorough, and accurate based on the information reported to him at the incident location.

Accordingly, OPA recommends this allegation be Not Sustained – Lawful and Proper (Expedited).

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