



## CLOSED CASE SUMMARY

ISSUED DATE: AUGUST 14, 2024

FROM: DEPUTY DIRECTOR BONNIE GLENN ON BEHALF OF DIRECTOR GINO BETTS JR.,  
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0091

### Allegations of Misconduct & Director's Findings

#### Named Employee #1

Allegation(s):		Director's Findings
# 1	13.030 - Emergency Vehicle Operations 13.030 - Emergency Vehicle Operations, 13.030-POL 4. Officers Use Emergency Lights for Emergency Response	Not Sustained - Unfounded
# 2	13.030 - Emergency Vehicle Operations, 13.030-POL 5. Officers Are Responsible for the Safe Operation of Their Police Vehicle	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:

Named Employee #1 (NE#1) responded to a priority auto theft in-progress call to assist with a stolen vehicle investigation. The Complainant alleged she and her dog were almost struck in a crosswalk by a Seattle Police Department (SPD) vehicle that made a turn on a red light and neither activated their emergency lights or siren.

### ADMINISTRATIVE NOTE:

On June 27, 2024, the Office of Inspector General (OIG) certified OPA's investigation as thorough, timely, and objective.

### SUMMARY OF INVESTIGATION:

OPA received an anonymous complaint through OPA's website and opened an investigation. During its investigation, OPA reviewed the OPA complaint, computer-aided dispatch (CAD) call report, incident and supplemental reports, global positioning system (GPS) data, body-worn video (BWV), and in-car video (ICV). OPA also interviewed NE#1.

#### **a. OPA Complaint**

On February 16, 2024, OPA received an anonymous complaint alleging an officer sped through a crosswalk making a right turn on a red light and nearly struck her and her dog. The Complainant further alleged an officer did not have his lights or siren on.



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**b. Computer-Aided Dispatch (CAD) Call Report**

On February 16, 2024, at approximately 8:09 pm, a priority auto theft in-progress call was dispatched to Broadway East and East Republican Street. The CAD noted, "3 MIN AGO, SUSP[ECT] DROVE OFF WITH R[ESPONDING] P[ERSON]'S VEH[ICLE] S[OUTH] B[OUND] ON BROADWAY. NO THREATS MADE, NO WEAPONS."

**c. In-Car Video (ICV), Body-Worn Video (BWV), and GPS**

ICV from NE#1's vehicle recorded NE#1 was driving with Witness Officer #1 (WO#1) southwest on East Madison Street passing 16<sup>th</sup> avenue around 8:18 pm.<sup>1</sup> ICV showed audio with officers driving with lights and siren on at this time. ICV showed NE#1 drove through multiple intersections with redlights and stopped and yielded for traffic before moving through each intersection, as they continued southwest on East Madison Street. ICV showed East Madison Street was under heavy construction. NE#1 and WO#1 moved through multiple intersections with their emergency equipment activated, slowing down and checking the intersections before proceeding through them. NE#1 made a northbound turn on 9<sup>th</sup> Avenue from East Madison Street and deactivated the siren. NE#1 moved through the intersection of 9<sup>th</sup> Avenue and East Spring Street while chirping his siren and avoiding traffic. NE#1 approached the intersection of Seneca Street from 9<sup>th</sup> Avenue and chirped the vehicles siren, as he slowly proceeded through the intersection to make a right turn. NE#1 and WO#1 discussed they were requested to check "Olive Way". NE#1 made a u-turn to head back southwest on Seneca Street. NE#1 approached the red light at Seneca Street and 9<sup>th</sup> Avenue. NE#1 chirped his siren and had his emergency lights activated, as they yielded to traffic before moving through the intersection.

NE#1 approached the intersection of Seneca Street and 8<sup>th</sup> Avenue where there was a red light at approximately 8:20 pm. NE#1 stated, "the alleyway is right here," in talking with WO#1, as he approached the intersection. NE#1 saw a white van stopped in the left lane of the intersection, as he moved to the right lane of traffic to make a right turn. NE#1 was not driving with sirens or emergency lights activated; however, he had been intermittently activating his emergency equipment prior to reaching this intersection. NE#1 approached the intersection with a crosswalk in front of it at a very slow speed of approximately less than five miles per hour.<sup>2</sup> In review of ICV, NE#1 moved up next to the white van that was stopped at the intersection at a slow speed. NE#1 could not see anyone in the crosswalk, due to a white van obstructing NE#1's view of a portion of the crosswalk.

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<sup>1</sup> GPS data confirmed NE#1's vehicle was in the complaint on February 16, 2024.

<sup>2</sup> GPS data showed NE#1 drove at 20 mph at 8:20 p.m. ICV showed NE#1 was at a stop at the crosswalk at the time of the alleged incident when the Complainant passed in front of NE#1 in his police vehicle.



NE#1's police vehicle approaching the intersection and crosswalk. Blue arrow shows the front of NE#1's vehicle. The red arrow shows the white van blocking NE#1's view of a portion of the crosswalk.

NE#1 approached the crosswalk and then saw the Complainant walking a dog in the crosswalk to his left. NE#1's vehicle was partially in the crosswalk when he approached it. NE#1 stopped at the crosswalk and allowed the pedestrian to pass in front of his vehicle. As the pedestrian walked in front of the patrol car, NE#1 reactivated his emergency lights signaling to the Complainant to move out of the way. An officer can be heard stating, "move" multiple times, as the pedestrian walked in front of the car. It is unclear if the Complainant heard.



NE#1 sees the Complainant walking her dog as he approached the crosswalk. The red arrow shows the Complainant and the blue arrow shows the front of NE#1's vehicle.



NE#1's vehicle is at a stop while waiting for the Complainant to pass through the crosswalk. The red arrow designates the Complainant. NE#1 then turns on his overhead emergency lights as the Complainant continues to pass through the crosswalk.

NE#1 then takes a right turn through a red light from Seneca Street with his lights on and continues through the alleyway, as NE#1 and WO#1 check the area for the stolen vehicle. NE#1 and WO#1 discussed the location of the stolen vehicle. NE#1 made a right turn on Hubbel Place and then Pike Street before resuming normal traffic patterns and deactivating his ICV.

#### **d. Police and Supplemental Reports**

OPA reviewed the incident and supplemental police reports of the theft of a motor vehicle that NE#1 and WO#1 responded to for assistance. The broadcast was for a Priority 1 Auto Theft call for a stolen Honda CR-V 4 door that was white. The reporting party had stepped out of his car briefly to look for a bank and left the car running. The alleged suspect jumped in the car and drove off with the reporting party's car. The location of the stolen vehicle was in the area where NE#1 and WO#1 were looking for the vehicle to assist with the call. Police reports confirmed that the vehicle was found and the suspect was arrested. All timelines were consistent with NE#1's timeline of the alleged incident.

#### **e. OPA Interview**

OPA interviewed NE#1. NE#1 said he was the driver of the two-officer police vehicle on February 16, 2024, at the time of the alleged incident. NE#1 explained he was on patrol with his partner WO#1 and responded to a radio call at 8:09 pm for a Priority 1 Auto Theft in progress at the intersection of Broadway East and East Republican Street. NE#1 was not the primary responder but assisted with the call. NE#1 heard the car had been stolen about 3 minutes prior. NE#1 stated that through experience and training, contact with occupants of auto thefts are treated as high-risk vehicle stops. NE#1 received an updated broadcast stating that other SPD officers located this vehicle in a nearby alley. NE#1 and WO#1 responded to assist in the area.

NE#1 was driving on East Madison Street and 16<sup>th</sup> Avenue initially and headed to the call; however, he had to make a u-turn around Hubbel Street because it turned out they needed to be on Olive Street. NE#1 stated he drove with his



lights and siren on and moved quickly because, “that way officers are in less harm ... as well as the public”. NE#1 explained that often people who commit auto theft have firearms and can be, “dangerous not to just ourselves but to the surrounding community.”

NE#1 stated he started out driving with his emergency lights and siren activated fully through traffic. Also, he stated sometimes situations are dynamic so officers fluctuate responses based on what’s happening. NE#1 stated he modulated his response using his emergency equipment as he got closer to Hubble Street. At that time, NE#1 thought he was close to where the vehicle was. NE#1 stated that before he crossed into an intersection, he would make sure no vehicles or travel were crossing into his path.

NE#1 stated each time he would check at an intersection, stop and look around for any various lanes for potential cars entering intersections. NE#1 used his siren and his lights intermittently through multiple intersections in modulating his use of emergency equipment, as he approached closer to the location of the stolen vehicle. NE#1 stated when he approached 8<sup>th</sup> Avenue on Seneca Street, he did not see a pedestrian when he approached the red light and cross walk given there was a white van in the left lane. NE#1 approached the intersection, stopped, evaluated the area, and ultimately saw the pedestrian and activated his lights as the pedestrian crossed in front of him. NE#1 then took a right turn through a red light and continued to the area where the vehicle was supposed to be. NE#1 stated he did not drive out of control and cleared all intersections. NE#1 stated that when he saw the Complainant, “I slowed down and let her cross in front of me”.

NE#1 stated he has been an officer since February of 2020 and has received training in responding to vehicle thefts in progress. Also, he explained he is familiar with the emergency response policies. In King County he stated, “we have a lot of auto thefts. Many of these auto thefts are used by criminals that use them for various other crimes ...” NE#1 explained people sometimes steal used vehicles and have weapons. Additionally, sometimes they are part of smash and grabs, robberies, and people fleeing.

#### **ANALYSIS AND CONCLUSIONS:**

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

##### ***13.030 - Emergency Vehicle Operations 13.030 - Emergency Vehicle Operations, 13.030-POL 4. Officers Use Emergency Lights for Emergency Response***

The Complainant alleged that NE#1 did not use his emergency lights or siren in responding to a call.

Officers will use audible signals when necessary to warn others of the emergency nature of the situation (See RCW 46.61.035).

Here, NE#1 chose to modulate his initial use of his siren and lights as he became closer to where he believed the vehicle was located. NE#1 approached the intersection at 8<sup>th</sup> and Seneca slowly, evaluated the area, and saw the Complainant passing through the crosswalk with her dog and re-activated his lights. OPA finds, it is because NE#1 did stop his vehicle and evaluated the circumstances before moving forward, that he was able to see the Complainant in the crosswalk area. Additionally, in his discretion, he modulated the use of his emergency equipment as he approached the area where he believed the stolen vehicle was located. NE#1 explained, this is sometimes done so you don’t alert the subject of their presence. Based on evidence provided, in review of the totality of the circumstances



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OPA finds, more likely than not, that NE#1 did comply with policy 13.030-POL 4, as he turned on his lights again, when necessary, upon the Complainant crossing, after coming to a complete stop and evaluating the circumstances. Therefore, OPA finds NE#1 did not violate SPD Policy 13.030-POL-4.

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

Recommended Finding: **Not Sustained - Unfounded**

**Named Employee #1 - Allegation #2**

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

The Complainant alleged that NE#1 almost hit her and her dog by not safely operating his police vehicle.

SPD Policy 13.030-POL-5 requires SPD officers to be responsible for the safe operation of their patrol vehicles. The policy instructs that: “Officers are not relieved of the obligation to drive with due regard for the safety of all persons.” (SPD Policy 13.030-POL-5.) The policy further states that: “Officers will drive no faster than reasonably necessary to safely arrive at the scene.” (Id.)

Here, NE#1 was the driver of the police vehicle and fully operated his lights and siren initially in responding to a Priority 1 Auto Theft. Additionally, he modulated this by chirping his siren and stopping and evaluating before he passed through the various intersections, as he got closer to the location where he believed the stolen vehicle was. NE#1 approached the intersection at 8<sup>th</sup> and Seneca slowly, evaluated the area and saw the Complainant crossing the crosswalk with her dog and then activated his lights again. After the Complainant finished crossing, NE#1 and WO#1 continued to assist other officers with this call. OPA finds, more likely than not, that NE#1 operated his vehicle in a safe manner and did not drive faster than what was reasonably necessary for safety purposes. Therefore, OPA finds NE#1 did not violate SPD Policy 13.030-POL-5.

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

Recommended Finding: **Not Sustained - Unfounded**