



CLOSED CASE SUMMARY

ISSUED DATE: DECEMBER 13, 2024

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

CASE NUMBER: 2024OPA-0241

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	Sustained
Imposed Discipline		
Oral Reprimand		

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) drove in emergency response, with emergency lights and a continuous siren, to respond to a Priority 1 call.¹ NE#1 ran a red light, colliding with Vehicle #1, driven by Community Member #1 (CM#1).

ADMINISTRATIVE NOTE:

On November 14, 2024, the Office of Inspector General certified this investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

An anonymous Complainant emailed OPA on June 3, 2024. The Complainant alleged that, earlier that day, NE#1 was responding to a call that "already had four SPD vehicles on scene," when NE#1 ran a red light and "t-boned" Vehicle #1, resulting in injuries and property damage.

OPA investigated the complaint by reviewing the OPA complaint, the computer-aided dispatch (CAD) call report, incident reports and supplements, Police Traffic Collision Report (PTCR), Collision Review Board (CRB) materials, NE#1's training records, body-worn video (BWV), and in-car video (ICV). OPA also interviewed NE#1.

OPA found that the following occurred.

NE#1 was dispatched to a Priority 1 call for a suspect knocking on the 911 caller's window with a gun. Five other calls were made for this incident. NE#1 was listed as the "primary" officer for a duplicate call for two men yelling and brandishing knives at each other. GPS showed NE#1 was the first unit to reach the vicinity of the calls (16th Avenue

¹ "Priority 1" calls are the highest priority calls.



West and West Dravus Street) before he was involved in the collision about a block away (15th Avenue West, Northbound offramp, and West Dravus Street).



*NE#1, responding as "2Q1" shortly before collision.
Approximate call locations are indicated by light blue squares.*

NE#1 had lights and a continuous siren activated as he drove northbound along the 15th Avenue West offramp, towards the intersection with West Dravus Street. NE#1 slowed from about 65 miles per hour entering the offramp to about 29 miles per hour as he approached the intersection. NE#1 had the redlight as he approached the intersection. A Jeep was ahead of NE#1, stopped in the left lane. NE#1 pulled into the right lane ahead of a Metrobus.



NE#1 approaching intersection.

As NE#1 pulled to the right of the Jeep, no eastbound vehicles were visible along the fence line to NE#1's left. At right, a dark gray SUV has a green light but does not advance.



NE#1 pulling to the right of the Jeep. Dark gray SUV, at right, has green light but does not advance.

NE#1 slowed to about 19 miles per hour. As NE#1 pulled ahead of the Jeep, ICV recorded Vehicle #1 approaching from NE#1's left, heading eastbound.



Vehicle #1 circled in light blue, at left. Dark gray SUV still at light.



As both NE#1 and Vehicle #1 began to enter the intersection, NE#1 had slowed to about 16 miles per hour.



NE#1 continued at about 16 miles per hour as he began making a left turn onto West Dravus Street.



NE#1 beginning to make left turn.



Immediately prior to the collision, ICV still showed NE#1 travelling about 16 miles per hour.



ICV image immediately prior to impact. Hood gap on Vehicle #1, circled in blue, is level.



ICV image immediately after impact. Hood gap on Vehicle #1's is no longer level.

Momentum from Vehicle #1 pushed NE#1's vehicle to the right. NE#1's airbags did not inflate. Both front passenger airbags in Vehicle #1 inflated. Images of NE#1's front push bar showed it was impacted from the side.



NE#1 pointing to the damage to his front push bar.

The dark gray SUV did not proceed into the intersection, despite having the green light, until after the collision. The collision investigation determined CM#1 was driving without a valid license and or required ignition interlock device. A preliminary breath test showed CM#1 had a blood alcohol content of 0.127. CM#1 was arrested for driving under the influence. The Seattle Fire Department responded, treating individuals involved in the collision for minor injuries. The weather conditions at the time of the collision were clear, dry, and sunny.

The collision was reviewed by SPD's Collision Review Board (CRB). On October 22, 2024, the CRB determined the collision was preventable but found NE#1s actions consistent with policy and training. The CRB found "No Further Action Needed," declining to make referrals to APRS, Training, or OPA. NE#1's chain of command concurred that the collision was preventable.

In both his written statement and OPA interview, NE#1 noted the difficulty of clearing this intersection due to the various visibility obstructions—fencing/jersey barrier, foliage, and stopped Jeep. In his written statement, NE#1 elaborated, "One has to push slightly into the intersection to clear Eastbound traffic, as it is not easily visible from the driver's vantage – especially lower-sitting vehicles like the other vehicle involved in this collision." In his OPA interview, NE#1 said it was not always necessary to come to a complete stop to "clear" an intersection and that he believed this intersection was clear based on his observations immediately prior to entering the intersection. NE#1 noted he approached and entered the intersection at a reasonable speed, and he was not required to come to a complete stop under State law. NE#1 attributed the collision to poor visibility and CM#1 driving under the influence.



ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

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

The Complainant alleged NE#1 failed to operate his vehicle safely, causing a collision after failing to stop at a red light.

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.* Both State law and municipal ordinance permit police officers responding to an emergency call to proceed past a “red or stop signal or stop sign” but only after “slowing down as may be necessary for safe operation.” See RCW 46.61.035(2)(b); SMC 11.12.080.

OPA concurs with the CRB that this collision was preventable and, ultimately, the obligation to avoid this collision rested with NE#1. Even with his emergency lights activated and running a continuous siren, NE#1 was obligated to slow down as necessary to clear the intersection before entering. Given the obstructed view, which included the jeep and railing to his left, NE#1 should have slowed to whatever speed was necessary for him to safely clear the intersection, even if that meant coming to a complete stop. A preponderance of the evidence shows NE#1 drove faster than reasonably necessary, causing a preventable collision.

Accordingly, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**