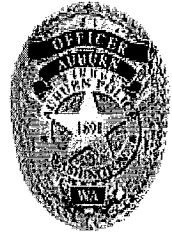
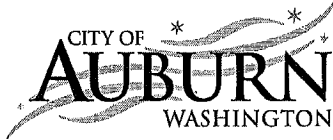


POLICE DEPARTMENT
MEMORANDUM



DATE: 06/17/2020

TO: Kenny Lyman

FROM: Commander Sam Betz

SUBJECT: 20 INT-03 Written Reprimand

On 06/09/2020, at approximately 1300 hours, a Supervisory Review Board was convened to review the facts and circumstances documented in 20 INT-03. The board consisted of Commander Adams, Commander Colglazier, and I. The original complaint was regarding allegations of violating a misdemeanor statute, conduct unbecoming, and failure to operate a City vehicle safely. This was in reference to your response to a SWAT incident in Federal Way, on 05/15/20, while operating the City of Auburn SWAT Van, 99B. A collision was documented under Auburn PD case number 20-05505. This internal investigation was conducted by Commander Stocker and the board reviewed the summary provided. Based on all of the information, it was the determination of the board that you engaged in **Actual Misconduct** in violation of the following policies and procedures:

Auburn Police Department Manual of Standards: Core Values and Mission

Professional: Our sense of duty to conduct ourselves to the highest level of competence and character.

Mission: To provide professional law enforcement services to our community.

Auburn Police Department Manual of Standards:

320.3.5 PERFORMANCE

(aa) Violating any misdemeanor or felony statute

(ab) Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming of a member of the Department or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Department or its members.

CITY OF AUBURN ADMINISTRATIVE POLICIES AND PROCEDURES: EMPLOYEE CONDUCT 200-81

4.0 It shall be the duty of employees to maintain high standards of cooperation, efficiency and integrity in their work with the City. It is the responsibility of employees to conduct themselves with professionalism and commitment towards customer service not only with the citizens and public of the City of Auburn, but also when working within one's own department or working with other departments within the City Structure. If an employee's conduct falls below standard, he/she may be subject to disciplinary action, up to and including termination of employment.

4.1 General areas for which an employee may be disciplined include, but are not limited to:

3. Failure to comply with any administrative directive or with the published administrative policies and procedures and/or departmental rules and procedures of the City.

200-18 Use of City Vehicles

6.5.1 Employees are responsible for: Operating City vehicles responsibly and safely, according to all state and local laws and City Policy.

The finding of Actual Misconduct is based on the following finding as noted by the investigator:

On 05/15/20, at about 1614 hours, you were responding to an in progress callout in Federal Way. You were driving City of Auburn vehicle number 99B, a large white van used by SWAT personnel. You were utilizing emergency lights and the siren to maneuver through traffic. In about the 200-700 block of SW Campus Drive, you attempted to pass a civilian box truck and collided with the rear mirror used by larger vehicles for seeing "blind spots". The SWAT van collided with the box truck, which caused damage to the rear mirror. You later provided information stating that you were fully aware that you collided with the box truck and damaged the mirror, but made the conscious decision to continue driving to the callout without stopping to speak with the driver of the box truck. After the callout was finished, you were forthright about the collision to Sergeant Skeen. Sergeant Skeen stated that he did not realize that you had made contact with the box truck and caused damage until he followed up with you on 05/16/20.

Your story was corroborated by Officer McNabb, who an occupant in the van. Your story was also corroborated by Sergeant Skeen and the driver of the box truck, later identified as Peter Manning.

The Board reviewed the material included in this investigation and concluded that, the decision you made to continue driving away from the scene of a collision violated a misdemeanor statute, the conduct displayed was unbecoming of an Auburn Police Officer, your behavior did not fall in

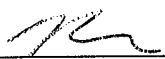
line with the core values of the Auburn Police Department and you did not operate a City vehicle safely while traveling to the SWAT callout. It was also considered that you have no previous preventable collisions, but were coached and counseled for poor decision making in reference to 18 INT-01. It was the Board's determination that your behavior in this incident had a negative effect on the perception and trust of Law Enforcement by the public.

Justification for Discipline:

During the course of this internal investigation it was shown that you made a poor decision when you recognized that the SWAT van had collided with the rear mirror of the box truck. You continued to drive to the SWAT incident without stopping, even for a moment, to provide any type of identifying information to the driver of the box truck. The SWAT van does not have any identifying marks on it that would enable a civilian to identify which police department to contact in a situation such as this. The incident you were responding to was an on duty request for SWAT members for a barricaded subject with no hostages. Life safety priorities would indicate that your response to the incident was not crucial at the moment when you decided to leave the scene of the collision. You have received numerous hours of training related to SWAT and have been around a group of SWAT members who consistently show behaviors that reflect sound decision making. The decisions of SWAT members, and law enforcement in general, should weigh the needs of law enforcement duties and the needs of the community. The needs of the community outweighed the needs of law enforcement at the moment you chose to leave the scene of the collision. You have shown the ability to make sound decisions while working as a police officer numerous times (most recently during a pursuit where you self-terminated). As a SWAT member and department instructor, your decision making ability is held to a higher standard due to your experiences and training.

You have been an employee with the City of Auburn since 2016 and you are aware of the policies and procedures that govern the acceptable behavior of Auburn Police Department employees. When dispensing discipline, the objective is to train and correct a deficiency. I do not believe this is a training issue, and believe this was representative of poor decision making, when you chose to leave the scene of the collision without stopping. Therefore, it is my decision that you receive this memorandum as a **Written Reprimand**.

The City of Auburn is committed to maintaining the Auburn Police Department's distinction of having a highly involved, motivated and competent work force that can be relied upon to make good sound decisions without being reminded or asked to do so. I must warn you that any continued action of this nature could result in further disciplinary action up to and including termination. If you wish to pursue a grievance of this disciplinary action, please refer to the Manual of Standards and your Collective Bargaining Agreement.



Kenny Lyman