



## CLOSED CASE SUMMARY

ISSUED DATE: DECEMBER 1, 2022

FROM: INTERIM DIRECTOR GRÁINNE PERKINS  
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2020OPA-0504

### **Allegations of Misconduct & Director’s Findings**

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 5.001-POL 2. Employees Must Adhere to Laws, City Policy and Department Policy	Sustained
# 2	5.001 - Standards and Duties 5.001-POL 10. Employees Shall Strive to be Professional	Sustained

Imposed Discipline

Termination
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***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) was arrested (off duty) for domestic violence assault 4th degree on August 17, 2020.

### **SUMMARY OF INVESTIGATION:**

On August 17, 2020, a Captain from Snohomish County Sheriff’s Office filed a complaint via Blue Team stating that NE#1 was being investigated for an alleged 4<sup>th</sup> Degree domestic violence assault. OPA commenced this investigation.

During its investigation, OPA reviewed the Complaint, Snohomish County Sherriff’s Case File and associated documents relating to NE#1’s arrest and subsequent detention. OPA also interviewed three SPD officers, who attended a private party where the alleged assault occurred, and who may have witnessed the alleged assault. OPA also interviewed the victim of the alleged assault (Community member #1 (CM#1) and NE#1.

#### **1. Incident / Party**

NE#1 attended a private house party with her domestic partner, CM#1. CM#1 was also an employee of Seattle Police Department. The party was hosted by a Seattle police officer, Witness Officer #3, (WO#3), for another Seattle police officer who was leaving the department, Witness Officer #4 (WO#4). A large number of other individuals were also present. During the course of the evening, NE#1 and CM#1 had a heated verbal argument. Which resulted in NE#1 running from the property. Owing to the rural location of the house, and the level of intoxication of NE#1, CM#1 became concerned for NE#1’s welfare and went to look for her. CM#1 was accompanied by WO#4. WO#4 located NE#1 in some bushes on another property. NE#1 was intoxicated and did



not want any assistance. However, NE#1 saw CM#1 and aggressively ran towards her knocking her to the ground. NE#1 then jumped onto CM#1, effectively straddling her as she lay on the ground, and assaulted her by punching her torso and face area.

The Snohomish County Sherriff's Department report of the incident stated that "They (CM#1 and WO#4) tried to pull NE#1 out of the yard and bushes where she had been laying and that NE#1 took CM#1 to the ground and started swinging at CM#1 with a closed fist. NE#1 ran off again and they found her again. The second time NE#1 "mounted" CM#1 and began punching her. WO#3 had arrived and removed NE#1 from on top of CM#1 and WO#4 called 911". Snohomish County Deputies responded to the 911 call.

### **Witnesses to the Assault**

**WO#3** witnessed NE#1 punch CM#1 in the face with closed fists multiple times, after which, NE#1 ran from the scene. When she was later located by CM#1 and WO#3, NE#1 again attacked and straddled CM#1 and began punching her. WO#4 then pulled NE#1 off of CM#1. NE#1 then ran from the scene again. WO#4 rang 911. WO#3 stated that she did not observe CM#1 fight back but at one point she saw her (CM#1) laugh and then cry.

**WO#4** observed NE#1 "mount" CM#1, as she lay on the ground. He further stated that he saw NE#1 punch CM#1's upper torso and face area. WO#4 stated that he was sober because he does not drink alcohol and, as such, had a clear recollection of the events witnessed. WO#4 did not see CM#1 fight back with NE#1. WO#4 witnessed one assault.

**CM#1**, who is still in a romantic relationship with NE#1, provided a statement to OPA. CM#1 stated that NE#1 became upset about working as a Seattle Police Department (SPD) officer and started talking about leaving SPD to go back to a retail job. CM#1 commented that NE#1 was extremely intoxicated. As described above, NE#1 left the party and CM#1 became concerned for her welfare and went in search of her. Accompanied by WO#4, CM#1 located NE#1 in a long grassy area. CM#1 stated that NE#1 was still talking about her previous retail experience and was making little sense.

CM#1 described how NE#1 became aggressive, as if in a behavioral crisis state, and NE#1 then ran toward CM#1, knocking her to the ground. CM#1 recalled NE#1 swinging her arms at her facial area. CM#1 had no recollection if NE#1 used fists or open palms during the assault. CM#1 recalled blocking her face to limit the blows. CM#1 did not recall NE#1 saying anything during the assault.

CM#1 was not cooperative with Investigating officers and declined to make a written statement about the assault on her by her girlfriend, NE#1.

## **2. Injuries sustained**

CM#1 sustained a visible injury to her lip which was described in the Snohomish County Police report as "swollen and puffy". CM#1 declined medical attention.



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**ANALYSIS AND CONCLUSIONS:**

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

**5.001 - Standards and Duties 5.001-POL 2. Employees Must Adhere to Laws, City Policy and Department Policy**

SPD Policy 5.001-POL-2 requires that employees adhere to laws, City policy, and Department policy.

Per the witness statements, NE#1 physically assaulted CM#1 by striking her multiple times in the face with either an open hand or closed hand (fist). During that encounter, CM#1 received a visible injury to her lip which was described in the Snohomish County Police report as “visible swelling”. CM#1 described NE#1 as aggressively running towards her, causing her to fall, and then swinging her arms and hands at her face numerous times. Both witnesses, observed this and corroborated CM#1, the victim’s, version of events. Snohomish County Deputies responded to the scene and, during their investigation, developed probable cause to arrest NE#1 for 4th Degree DV Assault. She was booked into Snohomish County Jail.

When interviewed, NE#1 had little or any recollection of the night’s events. NE#1 stated that she “drank way too much...was blacked out... and things got out of hand”. OPA does not disagree with this statement. NE#1 did not recall striking CM#1.

From the statements and police reports obtained, OPA has no doubt that the level of intoxicants consumed by NE#1 was the primary contributory in her actions on the night in question. However, this is an explanation of how events came to be, as opposed to an excuse of NE#1’s behavior.

OPA noted that during the course of this investigation, the criminal charge of Domestic Assault filed by Snohomish County was dismissed and no longer pursued in any court proceeding. OPA noted that NE#1 and CM#1 remain in a relationship with each other. NE#1 recognized that at the time of the incident, she was a relatively new Law Enforcement Officer having dealt with the 2020 protests in Seattle and the pandemic. However, she also acknowledged that she should have handled herself more professionally and maturely. OPA also recognizes that NE#1 chose to seek counseling following the incident.

OPA notes that it is not bound by Snohomish County’s decision to decline to prosecute this matter. OPA’s investigations and findings are not governed by the “beyond a reasonable doubt” standard applied in a criminal context. The evidentiary standard OPA applies is substantially less stringent. The available evidence here is more than sufficient to show that NE#1 violated policy, namely by assaulting an individual and SPD Policy 5.001-POL-10, by engaging in actions that diminished the public’s trust and confidence both in him/her and in the Department as a whole. As such, OPA recommends that both Allegation #1 and Allegation #2 be Sustained.

Recommended Finding: **Sustained**

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

**5.001 - Standards and Duties 5.001-POL 10. Employees Shall Strive to be Professional**

SPD Policy 5.001-POL-10 requires that SPD employees “strive to be professional.” The policy further instructs that “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers” whether on or off duty. (SPD Policy 5.001-POL-10.) The policy further states the following: “Any time employees



represent the Department or identify themselves as police officers or Department employees, they will not use profanity directed as an insult or any language that is derogatory, contemptuous, or disrespectful toward any person.” (Id.) Lastly, the policy instructs Department employees to “avoid unnecessary escalation of events even if those events do not end in reportable uses of force.” (Id.)

For the same reasons as stated above (see Named Employee #1 – Allegation #1), OPA recommends that this allegation be Sustained.

Recommended Finding: **Sustained**