



CLOSED CASE SUMMARY

ISSUED DATE: NOVEMBER 7, 2022

FROM: DIRECTOR GINO BETTS JR.
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0149

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
#1	16.130 - POL - 2 Officers Providing Medical Aid 1. Recognizing the Urgency of Providing Medical Aid	Not Sustained (Unfounded)
#2	5.001 - Standards and Duties 10. Employees Shall Strive to be Professional	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:

The Named Employee (NE#1) allegedly failed to render or seek medical assistance for an injured person. Further, NE#1 allegedly made unprofessional comments to members of the public.

SUMMARY OF INVESTIGATION:

On May 11, 2022, the Complainant made an online OPA complaint against NE#1. OPA initiated an investigation. That investigation included reviewing the OPA complaint, BWV, GO/incident report, photos, and a CAD call report. OPA also interviewed NE#1, the Complainant, and Witness Employees. Evidence summaries are below:

CAD call report

On May 11, 2022 at 12:52 PM, a male caller reported an assault to a 911 dispatcher. Specifically, the caller noted two minutes prior a male subject was assaulted at 225 Broadway E. The caller did not report how the attack transpired or whether weapons were involved. The offender was reportedly no longer there. The dispatcher noted the caller as "very uncooperative."

GO/Incident report

NE#1 arrived and found a "hostile crowd." NE#1 requested backup. Witness Employee #1 (WE#1)¹ and partner Witness Employee #2 (WE#2) responded to assist. WE#1 found emergency medical technicians (EMT) "screening the victim." WE#1 provided scene security. The victim was "disoriented and could not answer basic questions." EMTs transported the victim from the scene. Five minutes later, the EMTs returned stating "(the victim) was now more alert and communicating." The victim remembered walking on Broadway E and bumping into a Black male subject (the Subject).

¹ WE#1 authored the GO/incident report.



They argued. The Subject punched the victim's face, causing him to fall. The victim tried to get up, but the Subject again punched him. The victim fell and hit his head against the ground. The victim had "a large pump over the left eyebrow" and a bloody face. The victim blacked out.

NE#1's BWV

While NE#1 spoke to someone about a traffic collision, Community Member #1 (CM#1) flagged her. CM#1 stated, "we got another guy that got attacked and he's got a busted nose." NE#1 radioed, "There's two incidents here. Ah...dispatch. We've got a collision involving three vehicles and we've got the first call...the original call where the subject was attacked." The Complainant held a tissue to the victim's bloody nose. NE#1 approached and said, "You need medic," and requested Seattle Fire Department assistance.² NE#1 asked what happened. The victim indicated he was hurt. NE#1 asked whether anyone saw the attack. The Complainant responded, "Yeah," but refused to tell NE#1: "I'm not going to tell you what happened. I...talk to the medics." NE#1 asked another bystander, Community Member #2 (CM#2), what happened. CM#2 pointed toward the offender's direction of flight. CM#2 also gave a generic description: "Male. Facial hair." The Complainant interrupted, "Ma'am, are the medics on their way?"³ Community Member #3, standing nearby, also asked, "Are the medics on the way?" The Complainant again asked whether EMTs were enroute. In a raised voice, NE#1 said, "Yes. You heard me call medics..." CM#3 chimed in, "How hard was that to say? How hard was that to say?" NE#1 and CM#3 went back-and-forth about whether she needed to answer CM#3. CM#3 responded, "I didn't hear you say shit" and "this is our fucking neighborhood. You came to our neighborhood." NE#1 indicated she was there to help the victim, not CM#3. CM#3 stated, "You ain't helping shit. You're fucking worthless...SPD fuck." NE#1 radioed for backup, indicating "a hostile crowd." CM#3 stated, "'I'm not hostile. I told you your worthless. That's hostile? Sucks to be a pig" and "Worthless piece of shit."⁴ NE#1 replied, "That's fine. And I bet...I bet your mamma proud of you too, right?" Witness Employee 1 arrived. NE#1 explained, "They don't want to talk to me period. So..." CM#3 interrupted, "Cause you're worthless." NE#1 replied, "Your mamma should be proud of you." WE#1 attempted to get NE#1 to disengage the confrontation. Apparently frustrated, NE#1 stated "Instead of them letting (CM#2) tell me what happened, they trying to attack me because medics not here. I'm not fucking medics." The Complainant asked NE#1 to step aside, but she refused. In a raised voice, NE#1 asked the Complainant, "Can you step aside?" WE#1 again intervened. NE#1 yelled, "I'm sick of you all" before walking away. She further stated, "Sick of these ignorant ass people."

WE#1's BWV

As WE#1 approached, NE#1 and CM#3's argument is captured. WE#1's BWV is consistent with NE#1's BWV, from WE#1's arrival to NE#1's departure. When NE#1 went back to her patrol car, WE#1 radioed a sergeant, "Hey Sarge, it's (WE#1). You talked to (NE#1) yet? So, I got...I got here and there was like a yelling match between (NE#1) and some customers...There was some yelling and cursing..." WE#1 did not know the appropriate next steps but thought an on-scene sergeant could "smooth things over or whatever (the) next steps (were)."

WE#2's BWV

As WE#2 approached, NE#1 left. WE#2 asked, "what happened?" The Complainant explained he saw the Subject assault the victim. He further explained the Subject "ran off." The Complainant gave the Subject's description. He also claimed the dispatcher hung up on him after the Complainant stated he was a physician and the victim "was bleeding to death." The Complainant stated "(The dispatcher) wanted all sorts of details about...about the assault on the phone,

² The Seattle Fire Department provides fire protection and emergency medical services.

³ Sirens are heard in the background.

⁴ The background sirens cutoff, indicating EMTs' arrival.



which I didn't have time for. I was trying to save this man's life." The Complainant further suggested NE#1 escalated the situation: "Very disappointing in the police."

WE#3's BWV

When WE#3 arrived, EMTs were there. WE#1 approached and stated, "My concern is that we need a sergeant here. Ah, because I got here, and (NE#1) was having a screaming match. Yelling and cursing with umm...people on scene." CM#1 approached and stated, "That black officer⁵ started yelling at the victim and yelling at everybody else. And, she was out of line. And, you have one, two, three witnesses on this." WE#3 asked CM#3 to describe NE#1's behavior. CM#3 stated:

So, she came over here. She was asking questions. The victim had a hard time speaking. Had a hard time remembering anything and bleeding from the face. Wasn't really able to talk. He was trying to get information to the officer. He asked the officer six times if the paramedics were coming. She just kept asking the victim if he could tell her what happened. She completely ignored us asking about the medics. And, I was like, are the medics coming? I raised my voice a little bit, so she could hear me. Cause she was just blatantly ignoring us. And then she turned to me and she's like 'I bet your fucking mom's real proud.' And I called her a 'fucking pig.'

CM#3 further claimed, "She came over was just very belligerent and then wanted to bring my mother into the situation." WE#3 agreed to take CM#3's complaint against NE#1. WE#3 also photographed the victim's injuries. WE#5, a sergeant, arrived. WE#3 told WE#4 her understanding of what happened: "So, apparently when (NE#1) got here, she was trying to interview the victim and she got a lot of people tell her how to do her job...She got upset. I think yelled at somebody and then told this guy 'your mamma must be really f'in proud.'" There was discussion about whether the community members called NE#1 racist.

WE#4's BWV

WE#4 approached the Complainant and apologized for the earlier confrontation. WE#4 explained police's perspective responding to "somebody bleeding." The Complainant replied, "I understand...I understand. It's not on you guys. You guys are fine. I...I appreciate the fact that a crowd of people who weren't all excitable and overreactive did show up. And I...I thank you for your service." The Complainant explained NE#1 was mainly concerned with the Subject rather than the bleeding victim. He described NE#1 as "immediately...extremely hostile."

WE#5's BWV

WE#3 briefed WE#5 about what happened. WE#5 spoke to CM#3. CM#3 explained NE#1 was nearby addressing a bus accident, when a community member redirected her to the bleeding assault victim. CM#3 described the Complainant aiding the victim when NE#1 interrupted with questions about what transpired. The Complainant was "a little bit annoyed with" NE#1's questions. NE#1 ignored the Complainant and directed questions toward the disoriented victim. The Complainant asked NE#1 "six times, if the medics are coming. She blatantly ignored him." CM#3 also asked about the paramedics. NE#1 gave CM#3 "a dirty look" and said "didn't you just fucking hear me. I just ordered...called the paramedics on my radio." CM#3 admitted responding with profanity: "don't need to get fucking belligerent with me," "you're fucking worthless," and "fucking pigs are worthless." NE#1's reference to CM#3 mother triggered him: "At one point she told me she bets my mom's real fucking proud of me. That pissed me off quite a bit. Umm, and she said

⁵ Apparently, indicating NE#1.



that multiple times. And then most of what she did was just scream at me.” WE#5 promised to review BWV and accordingly address it. WE#5 gave CM#3 a business card with the incident number and OPA’s phone number.

Complainant’s OPA interview

On May 25, 2022, OPA interviewed the Complainant over the phone. The Complainant is a physician. When he called 911, the dispatcher was mainly interested in the Subject’s description. The dispatcher hung up on him. Similarly, when NE#1 arrived, she was mainly concerned with interviewing the Complainant and the Subject’s description rather than the injured victim. The Complainant suggested NE#1 should have assisted with first aid or stood guard while he “(administered) life saving care.” The Complainant stated NE#1 stared at him and repeatedly refused to answer when asked whether she requested medical aid. He further described the owner of a nearby store⁶ yelling at NE#1 for ignoring the Complainant. In response, “She like, put her hand on her hip by her gun and said, you know, yelled at the...the proprietor. You know, and ah, the proprietor then called her a pig. Which is inappropriate.” NE#1 escalated the situation by being “obnoxious” and “obstinate.” NE#1 radioed, describing the crowd as hostile. The Complainant told OPA:

Firstly, the crowd is only hostile because you are acting like an asshole. Number one. Number two, umm, they’re not really hostile, we’re trying to provide medical care and do our stuff while you’re busy worrying about complete and total under nonsense. You’re totally being unhelpful. You’re...you’re actually ah, preventing me from administering care. Now you need to get out of the way, Mister Emergency services. Now you’re the problem and not the solution.

Other officers arrived, saw how agitated NE#1 was, and “dragged her away.” The Complainant described his frustration:

Here was my problem. My problem was 1) The first time I called 911 I didn’t get any help. The second time I called 911, not only did I not get confirmation that they were sending help, they hung up on me. The third problem with the emergency services is that the police came. And, rather than being of assistance, they interfered with a physician providing care to a head trauma patient who is bleeding out.

Further, the Complainant found the thin blue line across NE#1’s badge “absolutely inappropriate.” It “shows a political stance...I should not know (whether) I’m talking to a republican or a democrat or a thin blue line person.” He found NE#1’s badge “extremely intimidating,” because to the Complainant “it meant...that that police persons loyalty was to the other policemen...I knew by wearing her thin blue line that she is unified with her brethren.”⁷

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

16.130 - POL - 2 Officers Providing Medical Aid 1. Recognizing the Urgency of Providing Medical Aid

⁶ Presumably CM#3.

⁷ OPA classified the Complainant’s thin blue line allegation as a contact log, where SPD policy permits it with prior APRS approval. See SPD Manual 3.170. Per policy, the badge is meant to commemorate the lives of officers fallen in the line of duty. The day prior, APRS sent a Department-wide email allowing employees to wear it on the date in question.



SPD Policy 16.130-POL-2(1) instructs: "Recognizing the urgency of providing medical aid and the importance of preserving human life, officers will request medical aid, if needed, and render appropriate medical aid within their training as soon as reasonably possible."

Here, NE#1's BWV shows her request medical assistance almost immediately upon approaching the bleeding victim.⁸ About a minute and 17 seconds later, NE#1's BWV captures sirens⁹ in the background. Roughly 38 seconds thereafter, the sirens deactivate, suggesting EMTs were on scene.¹⁰ Additionally, the Complainant, who told OPA he is a physician, was apparently rendering aid. Specifically, he used a napkin to apply pressure to the victim's hemorrhaging nose. During NE#1's OPA interview, OPA questioned why she did not render further medical assistance. NE#1 responded her training only prepared her to do what the Complainant was already doing: "So, from a nosebleed, you just apply pressure. Right? So, he had identified himself as a doctor, and he was already applied that pressure... So, I called fire. So that was me rendering aid by calling fire. And there was nothing else for me to do at this moment." NE#1's training records show her medical training was limited to an eLearning Cardiopulmonary Resuscitation (CPR)/Automated External Defibrillator (AED) training on September 18, 2020 and a bloodborne pathogens training on May 18, 2021.

Given the Complainant's proclaimed medical expertise, NE#1's limited medical training, and EMTs quick arrival, it is unclear what further medical assistance NE#1 was equipped to provide. For those reasons, OPA recommends this allegation be Not Sustained - Unfounded.

Recommended Finding: **Not Sustained (Unfounded)**

Named Employee #1 - Allegation #2

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

SPD Policy 5.001-POL-10 requires employees "strive to be professional at all times." The policy also instructs, "employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers." SPD Policy 5.001-POL-10. Further, "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.*

Here, NE#1, was dealing with a bus collision alone, when CM#1 redirected her to the assault victim down the street. Clearly short-handed, NE#1 requested back up and approached the victim. NE#1 asked whether anyone witnessed the assault. The Complainant indicated he saw what happened but refused to tell NE#1: "I'm not going to tell you what happened. I ...talk to the medics." Not knowing about the Complainant's reportedly bad encounter with a dispatcher prior to her arrival, NE#1 walked into an already tense situation. NE#1 told OPA she persistently sought the Subject's description so enroute units could look for him. From NE#1's perspective, her questions inexplicably agitated the Complainant and CM#3. When CM#2 tried offering a description, the Complainant interrupted asking whether EMTs were enroute. NE#1 told OPA she ignored the Complainant because he previously indicated he did not want to talk to her. The Complainant asked four times and CM#3 once, in a 15 second period, whether NE#1 requested medical assistance. NE#1 finally responded by yelling, "Yes. You heard me call medics..." That triggered CM#3 to erupt. CM#3 berated NE#1 with a barrage of profane and demeaning comments, causing NE#1 to request backup for "a hostile

⁸ NE#1 requested medical assistance roughly eight seconds after observing the victim. She radioed "can I get fire to my scene please?"

⁹ Presumably EMTs.

¹⁰ A parked fire truck is seen on NE#1's BWV less than two minutes after her request.



crowd.” NE#1’s description of “a hostile crowd” further incited CM#3, who continued to curse and berate NE#1. However, rather than deescalate, NE#1 engaged CM#3 by repeatedly questioning whether CM#3’s mother was proud of him. Ultimately, while not as profane, NE#1 mirrored CM#3’s anger. She told WE#1, “they trying to attack me because medics not here. I’m not fucking medics.” WE#1 twice stepped-in to separate NE#1 from the group. NE#1 was particularly triggered when the Complainant asked her to step aside once WE#1 and EMTs arrived. NE#1 responded by emotionally yelling, “Can you step aside?” Eventually, as NE#1 turned to walk away, she screamed “I’m sick of you all!” and “I’m sick of these ignorant ass people.”

While OPA found CM#3’s behavior particularly abhorrent, it has no jurisdiction over him. Ultimately, it was NE#1’s duty to deescalate the situation, rather than cursing, yelling, and engaging clearly agitated community members. Her openly angry and emotional reaction fell short of Department professionalism standards, thereby undermining public trust.

Accordingly, OPA recommends a Sustained finding for this allegation.

Recommended Finding: **Sustained**