




## CLOSED CASE SUMMARY

ISSUED DATE: JULY 14, 2023

FROM: DIRECTOR GINO BETTS   
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0385

### Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.001 Standards and Duties 2. Employees Must Adhere to Laws, City Policy, and Department	Not Sustained - Inconclusive
# 2	5.001 Standards and Duties 10. Employees Will Strive to be Professional	Not Sustained - Inconclusive

***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 the Named Employee (NE) threatened a community member with a firearm, requiring Tukwila Police Department’s response.

### ADMINISTRATIVE NOTE:

On May 4, 2023, the Office of Inspector General (OIG) certified OPA’s investigation as thorough, timely, and objective.

### SUMMARY OF INVESTIGATION:

Tukwila Officer #1 (TO#1) wrote the incident report. TO#1 wrote that Community Member #1 (CM#1) came to the Tukwila Police Department and reported that NE followed him, approached his driver-side window outside Tukwila’s police station, aimed a gun, accused him of damaging his truck, and threatened to “slaughter” him. CM#1 identified NE as the offender, who stood outside his truck. CM#1 denied knowing NE. TO#1 asked whether anyone had a reason to be upset with CM#1. CM#1 replied:

*“No. They say, ‘You a dog.’ You have HIV because I have girlfriend. White girlfriend. She have a dog. We make pictures. So I think they see those pictures. They say you are a dog. You are...you are not Muslim...really Muslim. Why do you go with white people? I say wh...she’s my friend, that girl. They make me go test. I go test. I didn’t get any HIV...two days...yesterday.”*

TO#1 asked how NE knew about CM#1’s relationship. CM#1 replied, “I don’t know how they find me.”

TO#1 spoke with NE. NE said he and his friend’s tires were slashed, and they saw CM#1 driving in circles nearby. NE identified himself as an off-duty SPD officer. NE also gave TO#1 his firearm. NE denied knowing CM#1. However, NE



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said he asked CM#1 "...if he was okay because he kept doing some weird stuff, like he kept flipping around. Like when we were over there, he's looking at us. He's flipped around, looking at us. So, I...he's just suspicious. I'm concerned about my safety. Somebody slashed my tires. I'm concerned." NE declined to make a police report because "It's not going to go anywhere. I'm just trying to focus on securing my vehicle."

On November 18, 2022, OPA spoke with CM#1. His account materially mirrored his statement to Tukwila officers. Additionally, CM#1 said that when NE's truck followed him to Tukwila's police station, someone in NE's truck fired a gunshot in the air. CM#1 also said NE and another truck followed him to a gas station, where CM#1 got gas.

On February 28, 2023, OPA interviewed NE. NE said he played dominos at a friend's house on the night in question. NE said his friend lived about a block from Tukwila's police station. NE said that when he left, he noticed his and his friend's trucks' tires were slashed. NE said he went to Tukwila's police station to ask whether he could put his truck in its secure lot until the morning, since it was too late to get it repaired.

### **ANALYSIS AND CONCLUSIONS:**

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

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

It was alleged that NE violated the law by threatening CM#1 with a gun.

Employees must adhere to laws and city and department policies. SPD Policy 5.001-POL-2.

Here, CM#1 claimed that NE banged his driver's side window and threatened him with a gun outside Tukwila's police station. NE admitted to approaching CM#1's car at the police station but denied brandishing a firearm. Instead, NE said he confronted CM#1 because he was acting strange. Specifically, NE claimed CM#1 circled the area and stared at him and his friend after their tires were slashed. NE said he asked whether CM#1 knew about the vehicle damage. The fact that NE did have a firearm that evening corroborated CM#1 account, but it was not dispositive since NE was an off-duty officer. Further, when NE gave his firearm to TO#1, he had to retrieve it from a belt holster covered by layers of clothing. TO#1 had to unzip NE's jacket and lift two shirts to get it. Surveillance footage of NE leaving CM#1's car did not show him putting an item under his clothes or zipping his jacket. Moreover, CM#1 told OPA that NE discharged the gun into the air while chasing him, something he omitted in his report to Tukwila officers. OPA found that was a significant omission. Ultimately, while there is some corroboration for CM#1's claim, OPA cannot conclude it is sufficient to meet its burden of proof.<sup>1</sup>

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

Recommended Finding: **Not Sustained - Inconclusive**

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<sup>1</sup> The OPA Director reviews completed investigations and issues recommended findings for each allegation using a preponderance of the evidence standard. Applying this standard, if the greater weight of the evidence—more than 50%—supports the allegation, the recommended finding will be "sustained." OPA's Internal Operations and Training Manual 7.1.



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

***5.001 Standards and Duties 10. Employees Will Strive to be Professional***

It was alleged that NE was unprofessional by pursuing and threatening CM#1 with a firearm.

Regardless of duty status, employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers. Employees will avoid unnecessary escalation of events. SPD Policy 5.001-POL-10.

For the reasons at Named Employee #1 – Allegation #2, OPA recommends this allegation be Not Sustained – Inconclusive.

Recommended Finding: **Not Sustained - Inconclusive**