




CLOSED CASE SUMMARY

ISSUED DATE: JULY 10, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0454

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 5.001-POL 11. Employees Will Be Truthful and Complete in All Communication	Not Sustained - Inconclusive
# 2	5.001 - Standards and Duties POL-2. Employees Must Adhere to Laws, City Policy, and Department Policy.	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:

It is alleged that the Named Employee (NE) made untrue statements about a domestic violence (DV) incident in which NE was the victim.

ADMINISTRATIVE NOTE:

On May 5, 2023, the Office of Inspector General (OIG) certified OPA’s investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

Community Member (CM)—NE’s spouse—called 9-1-1 to report a dispute with NE. The 9-1-1 call recording included:

- CM: “My name is [CM’s first name], and I think he’s leaving, but I don’t know if he’s gonna come back. But he is a police officer.”
- CM: “He’s back. He has my phone, and he’s gone through it. We’ve been going through marital issues, and he’s...he’s not...”
- A male voice (apparently NE) in the background: “You realize you punched me tonight. And I could easily report the fact that you assaulted me and injured me tonight.”
- CM: “Oh my God. You’re out of your mind.”
- Male voice: “Ah, no. I have a bloody lip, thanks to you.”
- CM: “My 14-year-old daughter is here, so I just need someone to come here and help intervene. I don’t care what happens. He’s not being calm at all. Take pictures of the kitchen...or something.”
- Male voice: “You need to choose your words wisely, or you may go to jail.”
- CM: “He wants me to go to jail.”
- Male voice: “No, I don’t want you to go to jail. I’m telling you that you easily could.”



Pierce County deputies responded to the incident location. From outside the home, the deputies heard arguing. They knocked on the door. Deputy #1 spoke with NE outside, while Deputy #2 spoke with CM inside. CM told Deputy #2 that she and NE were drinking at a bar in Puyallup when things started to tense between them. They returned home, and NE searched CM's phone while she was in the bathroom. NE grew upset, called CM a whore, and threw items—including divorce papers—around the house. CM said that initially, NE refused to return her phone, but she got it back and called 9-1-1. Deputy #2 noticed CM wiping blood from her hand with a tissue. CM initially said she was injured trying to escape NE's grasp, but then said NE approached her, and since she does kickboxing, she struck his face. CM had a small scratch on her finger.

Deputy #2 also spoke with CM's teenage daughter—with CM's consent. CM's daughter said NE angrily threw items around the house during the argument, but they were not aimed at CM or anyone else.

NE declined to speak with Deputy #1 about the incident, insisting no physical violence occurred. However, Deputy #1 saw blood on NE's shirt. When asked about the stain, NE replied, "I have no injuries to report." Based on the 9-1-1 call taker's note about the male saying he was punched in the face, CM's bloody hand, and blood on NE's shirt, Deputy #2 determined there was probable cause that NE was the victim of a DV assault and CM was the offender. CM was arrested, but NE declined to provide a statement. The deputies left NE with a DV victim's pamphlet.

OPA interviewed NE. NE confirmed having a blood stain on his shirt and that the man in the background on the 9-1-1 call sounded like him, but said he was unable to recall most of the incident in question due to alcohol consumption and not being in a good "frame of mind" after learning about "some very painful, very personal information involving my...my marriage." NE also confirmed he sustained a small cut inside his lip. When asked why he denied Deputy #1's question about whether there was physical violence, NE replied, "I can't even say whether I was listening to what was being said to me if I'm responding to what's even being questioned of me. There was a lot of information I was processing at that moment."

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.001 - Standards and Duties 5.001-POL 11. Employees Will Be Truthful and Complete in All Communication

It was alleged that NE made untruthful statements about a DV incident in which he was the victim.

It is well-settled that DV victims are often not forthcoming, with reasons including fear, financial dependency, and emotional attachment. While the evidence suggests NE's denials of abuse were more likely than not untrue, OPA does not find the policy intends to further punish a DV victim for reacting in a manner expected of a DV victim.

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

Recommended Finding: **Not Sustained - Inconclusive**



Named Employee #1 - Allegation #2

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

It was alleged that NE violated policy and the law by reporting untrue statements about a DV incident in which he was the victim.

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

Recommended Finding: **Not Sustained - Inconclusive**