

Issued Date: November 19, 2025

From: Director Bonnie Glenn
Office of Police Accountability



Case Number: 2025OPA-0102

Allegations of Misconduct & Director's Findings

Named Employee #1

1. **Allegation #1: 15.180 – Primary Investigations, 15.180-POL-1. Officers Shall Conduct a Thorough and Complete Search for Evidence**
Finding: Sustained
2. **Allegation #2: 5.100 – Operations Bureau Individual Responsibilities, I. Patrol Officers, A. Responsibilities, 2. Monitor and take appropriate action regarding criminal activity in assigned area**
Finding: Sustained
3. **Allegation #3: 15.180 – Primary Investigations, 15.180-POL-5. Officers Shall Document all Primary Investigations on a Report**
Finding: Sustained
4. **Allegation #4: 16.090 – In-Car and Body-Worn Video, 16.090-POL-2 Sworn Employees Recording Police Activity, 2. When Sworn Employees Record Activity**
Finding: Sustained
5. **Allegation #5: 16.090 – In-Car and Body-Worn Video, 16.090-POL-1 Recording with ICV and BWV, 6. Sworn Employees Will Document the Existence of Video or Reason for Lack of Video**
Finding: Sustained
6. **Allegation #6: 12.050 – Criminal Justice Information Systems, 12.050-POL-2. Inquiries Through ACCESS, or Any Other Criminal Justice Record System, Are Only to Be Made for Legitimate Law Enforcement Purposes**
Finding: Not Sustained - Unfounded
7. **Allegation #7: 5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional**
Finding: Sustained
8. **Allegation #8: 5.001 – Standards and Duties, 5.001-POL-11. Employees Will Be Truthful and Complete in All Communication**
Finding: Not Sustained - Inconclusive

- **Proposed Discipline: One Day (9 hours) to Three Days (27 hours) Suspension**
 - **Imposed Discipline: Three Days (27 Hours) Suspension**
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This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections may be written in the first person.

Executive Summary:

Named Employee #1 (NE#1) responded to a theft call at a U-Haul parking lot, engaged in a brief conversation with two individuals who the Complainant identified as the suspects (Suspect #1 and Suspect #2), and permitted them to leave. The Complainant—U-Haul’s general manager—alleged that NE#1 failed to take any police action against the suspects. OPA further alleged that NE#1 failed to conduct a thorough investigation, failed to prepare an incident report, failed to record police activity on video, failed to document the absence of video, improperly accessed criminal justice records, undermined public trust in himself and SPD, and provided a dishonest statement during his OPA interview.

Administrative Note:

On August 1, 2025, the Office of Inspector General certified OPA’s investigation as thorough, timely, and objective.

The first amended DCM corrected a clerical error in deleting the last line of the DCM for Named Employee #1 – Allegation #8. The analysis and conclusions remained the same.

Discipline meetings were held on this matter on September 4, 5, and 9, 2025. Representatives of OPA and SPD were present at the discipline meetings. A thoughtful, robust discussion was held over each of the three meetings. The principal topic of discussion was whether the evidence established the dishonesty allegation (Allegation #8), as defined in the SPOG CBA, by the contractually required “elevated standard of review.” For the reasons articulated below in Allegation #8, OPA now recommends this allegation be Not Sustained – Inconclusive.

Summary of the Investigation:

OPA’s investigation included reviewing the OPA complaint, computer-aided dispatch (CAD) call report, global positioning system (GPS) data, U-Haul security video, and phone call records. OPA also interviewed the Complainant and NE#1.

A. OPA Complaint

On March 22, 2025, the Complainant submitted an OPA complaint. It stated that fuel and a battery had been stolen from U-Haul trucks, and when a police officer arrived, video showed the officer permitting the “perps” to leave.

B. Computer-Aided Dispatch (CAD) Call Report and Global Positioning System (GPS) Data

On March 8, 2025, at 8:11 PM, CAD call remarks noted, “NORCOM [TRANSFER] // TWO SUBJECTS SEEN STEALING FUEL FROM TWO VEHICLES IN THE PARKING LOT. VIA VIDEO FOOTAGE. NO [WEAPONS].” Dispatch coded the incident as, “THEFT Theft (Does Not Include Shoplift Or [Services]).” Dispatch identified a U-Haul store as the incident location.

At 8:17 PM, NE#1 accessed this specific call by double-clicking on the call in the CAD system. This action would have resulted in a new window appearing, which displayed the CAD call remarks (noted above), the call type (theft), and the call location (U-Haul store). NE#1 then clicked once on the “Get Call” button located in the upper left corner of the window.¹ This action would have led to the call being downloaded onto NE#1’s CAD system.

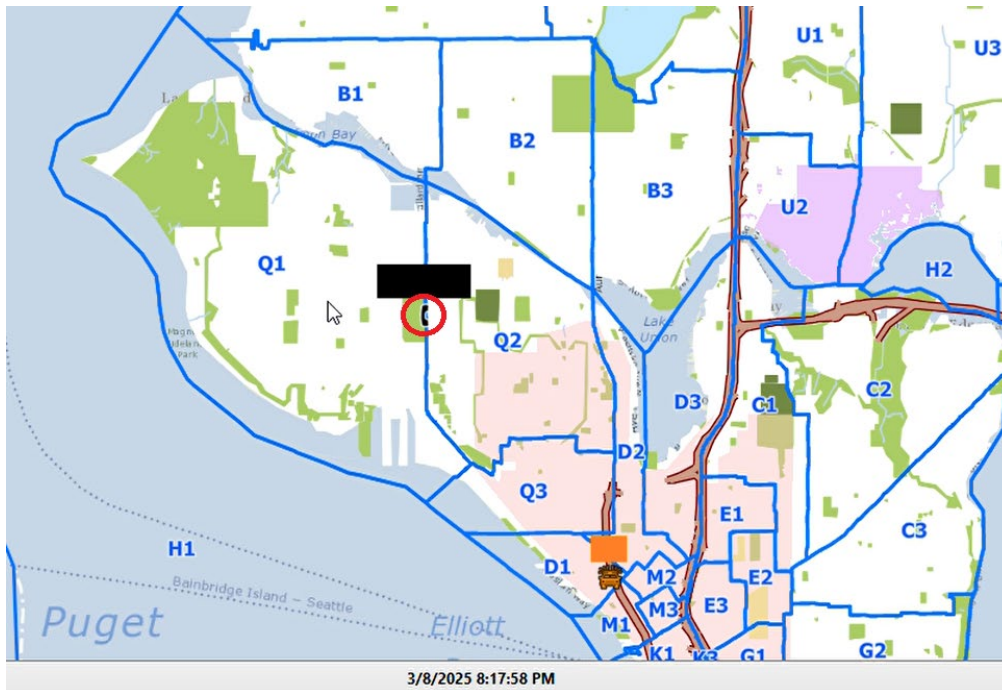
To access specific updates to the call, NE#1 would have needed to click on either the “Responses” or “Calls” button in the CAD system.² If NE#1 had clicked on either button at 8:17 PM, he would have been able to view the following CAD updates:

Time	Call Summary
8:15 PM	Suspect veh[icle] UNK[NOWN] WA[SHINGTON] JEEP RED
	Suspect (1) [WHITE MALE], [MID-30 YEARS OF AGE], 5'8-5'9, MED[IUM] BUILD, BL[AC]K SWEATSUIT, BL[AC]K SWEATS. (2) [WHITE FEMALE], [MID-30 YEARS OF AGE], 5'8-5'9, MED[IUM]/HEAVY BUILD, BL[AC]K CLOTHING.
8:16 PM	(M)STORE IS CURRENTLY CLOSED AND THERE ARE NO STAFF ON SCENE BUT [REPORTING PARTY] SAYS HE SAW CUSTOMERS RETURNING THEIR UHAUL VEHICLES AS WELL.
8:17 PM	(M)[REPORTING PARTY] NOT ON SCENE AND JUST WATCHING THROUGH VIDEO. STEALING FROM A DODGE RAM AND A 15 FOOT BOX TRUCK BOTH WITH UHAUL LOGOS. [REPORTING PARTY] SAYS SUSPECTS ALSO DEFECATED ON THE PARKING LOT AS WELL.
	(M)WERE ALSO SEEN SMOKING SO POSS[IBLY] HIGH.
	(M)BROADCAST

¹ A CAD analyst verified this information.

² The CAD analyst could not determine whether NE#1 had clicked on either button. The analyst only confirmed that NE#1 clicked the “Get Call” button.

GPS data showed NE#1's patrol vehicle (colored in orange below) in sector D1 at 8:17 PM. At around 8:19 PM, NE#1's patrol vehicle began approaching sector Q1—the location of the call (circled in red below).



GPS data showed NE#1 proceeding directly to the call location without any detours.

C. U-Haul Security Video

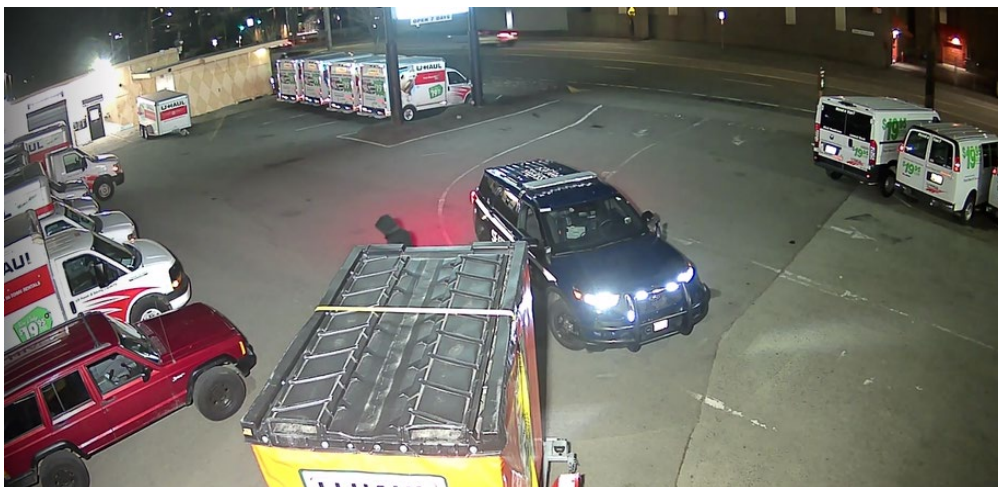
A U-Haul security video, which lacked audio, captured the following:

Before NE#1's arrival, a red Jeep was parked in reverse beside a U-Haul truck. Suspect #1, dressed in all black and wearing a hood, stood beside the open passenger side door. Suspect #2, similarly dressed as Suspect #1, took items and passed them to Suspect #1, who appeared to be placing them into the Jeep. NE#1 drove into the parking lot at 8:29 PM (according to the timestamp from the video and GPS data), stopped in front of the Jeep, and activated his front spotlights.



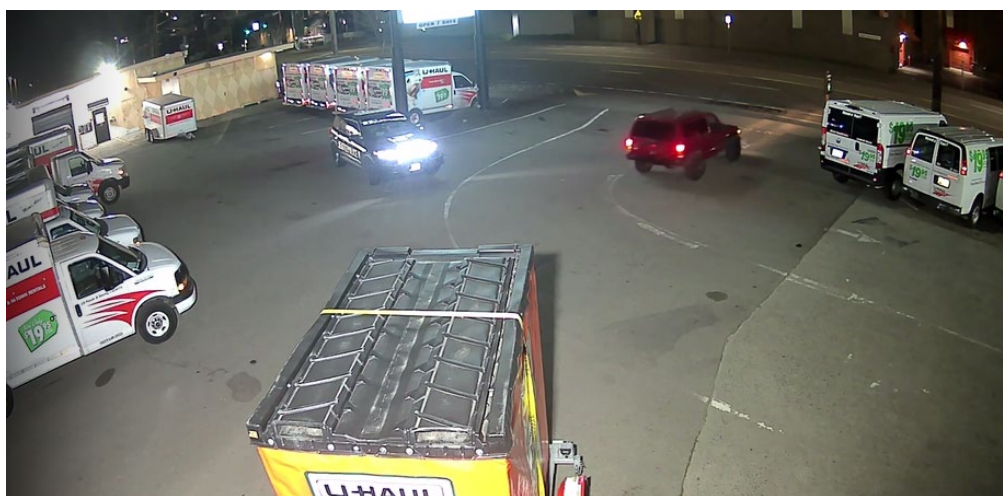
The suspects are on the left in the image above. Suspect #1 (male) is holding the passenger side door of the Jeep, while Suspect #2 (female) is standing behind Suspect #1.

NE#1 drove to the left, stopped, and appeared to speak to the suspects through his open passenger side window. Suspect #1 raised his right hand in a gesture resembling a greeting. The suspects approached NE#1, then turned around and approached the Jeep—all of which occurred in about eight seconds.



The image above shows Suspect #1 turning around. The yellow U-Haul box obscured Suspect #2.

NE#1 reversed his patrol vehicle, clearing a path for the Jeep. Suspect #2 took the driver side of the Jeep, while Suspect #1 took the passenger side. Suspect #2 drove forward and stopped just before the road.



The Jeep was missing a rear license plate. Another security video capturing the front of the Jeep also showed a missing front license plate.

NE#1 pulled up behind the Jeep. Suspect #2 signaled a left turn and then executed the turn. NE#1 followed suit by also turning left. The video then concluded.

According to the timestamp in the video, NE#1 left the U-Haul parking lot at 8:31 PM. According to dispatch records, NE#1 logged to the call at 8:32 PM.

D. Other Evidence

NE#1 ran a male's name at 8:45 PM.

NE#1 ran one license plate at 8:49 PM. NE#1 then ran a different license plate at 9:10 PM. Neither license plate was associated with a red Jeep.

Concerning this theft call, OPA could not find updates from NE#1 in the CAD system, an incident report, body-worn video (BWV), or in-car video (ICV).

E. OPA Interviews

Complainant

On April 7, 2025, OPA interviewed the Complainant via email. He said NE#1 contacted him by phone after NE#1 permitted the suspects to leave the U-Haul parking lot. He said he provided NE#1 with the vehicle description and details regarding the stolen items. He said NE#1 did not return the call following this brief conversation, which he described as lasting less than a minute. The Complainant told OPA that over five gallons of gas and a battery had been stolen. He said he was not at the scene during the incident but watched it through a security camera.

Named Employee #1 – First Interview

On May 30, 2025, OPA interviewed NE#1. NE#1 said he could not recall much about the incident due to the absence of BWV. NE#1 said he saw an older model red Jeep, another vehicle, two suspects (one male and one female), and other people walking around in the U-Haul parking lot.³ NE#1 maintained that it was not abnormal to see people in this area at that time, as people often return U-Haul property after hours. NE#1 recalled seeing the Jeep parked in reverse. NE#1 said he had a brief conversation with the suspects through his car window, although he claimed to not remember what they discussed. OPA asked again about the content of their conversation, to which NE#1 claimed, “I don’t know,” although NE#1 estimated the conversation to be about 15 seconds long. NE#1 said the suspects left shortly after their conversation.

NE#1 believed he was not logged to the call at the time. NE#1 characterized his interaction with the suspects as a social contact. NE#1 said he usually initiates social contacts by himself and did not request backup in this case because he did not believe the suspects were engaging in criminal activity. OPA asked about NE#1’s motivation for entering the parking lot to initiate the social contact, to which NE#1 replied, “I didn’t see any U-Hauls like around [the suspects] that they appeared associated with, so I was just kind of going in there to check because you know that you do get a lot of siphoning gasses from that business, but there was other people there as well.” NE#1 asserted, “I just wanted to kind of go in the U-Haul and check that everything was okay and again, I didn’t see anything abnormal to me or looked abnormal to me for me to stop them at the time.”

NE#1 claimed to have learned about the theft call after the suspects had left, prompting him to contact the Complainant and leave a voicemail, although NE#1 claimed to not remember the content of his message. NE#1 said the Complainant returned the call, leading to a brief conversation, yet NE#1 claimed to have little recollection of the details. NE#1 recalled discussing the Complainant’s observations on his security camera, during which the Complainant reported that the suspects had taken a battery and siphoned gas from a U-Haul truck. NE#1 said he called the Complainant again, although NE#1 claimed to not remember the content of their discussion. NE#1 told OPA that, at that point, he would have had sufficient information to execute a *Terry* stop on the suspects if he encountered them again. NE#1 believed he did not request any evidence of the crime from the Complainant, like the video recording. When OPA asked why NE#1 did not attempt to obtain the recording, NE#1 replied, “I’m not sure.” NE#1 recalled the Complainant saying he would return the following day to determine which items were missing, leading NE#1 to think that he advised the Complainant to call back the next day after identifying the missing items. NE#1 believed he conducted a thorough investigation by conversing with the Complainant “multiple times” and discussing “a lot of different things.” NE#1 maintained that the Complainant did not articulate a crime at the time, and NE#1 wanted confirmation from the Complainant that the items were indeed stolen.

³ OPA did not observe other people walking around in the U-Haul parking lot in the U-Haul security video.

NE#1 said after their conversation ended, he conducted an area check for the Jeep and then called the Complainant again, although NE#1 claimed to not remember the content of their discussion but believed it lasted about a minute. NE#1 said he conducted another area check after this phone call. NE#1 said he was unaware of having prior contacts with the suspects. NE#1 said he did not attempt to obtain their information because the interaction was a social contact, and they did not act suspicious, given that it was not abnormal to see people in that area after hours.

OPA asked why NE#1 did not record the incident on video, to which NE#1 replied that he was not taking any police action at the time, as he had already observed the suspects leaving and was not in direct contact with the Complainant. NE#1 conceded that he should have recorded the incident to retain a memory of it. OPA asked why NE#1 did not document the absence of video, to which NE#1 replied, "It was my impression at the time that it was unnecessary to record any of that stuff because I wasn't taking any police action." NE#1 said he did not take any police action because he did not perceive a crime being committed, so there was no justification for detaining the suspects. However, NE#1 clarified, "I learned after calling the Complainant and reading over the call that a crime may have been committed."

OPA asked about the reason NE#1 ran a male's name and whether that name was associated with this call, to which NE#1 replied that this male is a felony warrant suspect known to frequent this area, prompting NE#1 to run his name to confirm the status of any active warrants before initiating contact. NE#1 clarified that case law requires running a person's name before initiating contact. NE#1 denied seeing this male during this call. OPA asked why NE#1 ran two different license plates and whether those plates were associated with this call, to which NE#1 replied that he could not recall the reason for running the plates but believed they were not associated with this call. NE#1 clarified that he routinely runs license plates as part of his duties to identify stolen or suspicious vehicles, warrant suspects, or mismatched plates.

OPA asked why NE#1 cleared the call as a theft without preparing a report for the incident, to which NE#1 replied that the initial call was classified as a theft, but this did not necessarily mean that a theft had, in fact, occurred. NE#1 maintained that he preferred to wait for the Complainant to return to the U-Haul the following day to determine which items were stolen. NE#1 also said he did not document the incident because he believed the Complainant did not articulate a crime had occurred without confirming it in person. OPA asked why NE#1 did not update CAD with this information when he cleared the call, to which NE#1 conceded that he should have updated CAD. NE#1 said he does not update CAD when he deems it unnecessary, especially since he did not intend to prepare a report and had already communicated with the Complainant multiple times.

Named Employee #1 – Second Interview

On July 14, 2025, OPA reinterviewed NE#1.⁴ NE#1 reiterated that he contacted the suspects before observing a theft call holding at the U-Haul location. NE#1 maintained that he was unaware of the theft call at this time. OPA presented NE#1 with CAD documentation showing that he had clicked on CAD's "Get Call" button at 8:17 PM, explaining that this action would have granted him access to the call updates, in addition to the CAD call remarks, suspect descriptions, vehicle description, and call location. NE#1 claimed to not remember clicking "Get Call," but conceded that, if the CAD documentation were accurate, he "must have" clicked it since he was the sole occupant of his patrol vehicle at the time. OPA asked why NE#1 stated in his first interview that he was unaware of the theft call before arriving at the U-Haul location, to which NE#1 replied:

Yeah, I think I said to my, again, best recollection, I didn't have any body worn of it. I didn't have any report, third-party video, ICV, anything else to go off of? So, again, to my best recollection, I remember not seeing the call or having a reason to pull in there other than, right, seeing the suspicious Jeep. Um, yeah, if there was any other way for me to recollect the call or recollect that I had hit the "Get Call" function, then I probably would have given you that answer. But, again, I was trying to give my best recollection to what I remember of happening on the call, and that's what that was.

OPA asked whether NE#1 typically reviews the updates in a call after clicking the "Get Call" button, to which NE#1 replied, "Most of the time, I would say yeah." However, NE#1 cautioned, "I don't remember if I did or not in this case, uh yeah." OPA showed NE#1 the U-Haul security video. NE#1 maintained that he did not observe any criminal activity from the suspects, as it was not abnormal for people to be there after hours, dispelling the need for him to request backup, activate BWV before contact, or obtain their information. OPA asked what prompted NE#1 to contact the suspects if their presence after hours was not considered abnormal, to which NE#1 replied:

Again, uh maybe their – their clothing that they were wearing, as far as I'm remembering, or at least looking at it from right now, maybe the hoods over their head, maybe the way the car that was parked, that there was two of them, um that they were wearing all black. Um those things probably stood out to me a little bit other than I don't remember who the other car was or how many other people were there. Uh, I believe I remember seeing one, at least one car, as far as I recollect. Uh, and I think maybe these guys just stuck out a little bit more to me as far as I remember.

NE#1 clarified that these were observations based on what he had just seen in the U-Haul security video, speculating that this was probably what he was thinking at the time. NE#1 reiterated his inability to remember the discussion he had with the suspects and denied any familiarity with them. OPA asked whether a vehicle with missing license plates is suspicious, to which NE#1 replied, "It could be," as it could "mean a number of things, like it's stolen or

⁴ OPA reinterviewed NE#1 because, at the time of NE#1's first interview, OPA did not have information indicating that NE#1 had clicked on the "Get Call" button in CAD. The purpose of NE#1's second interview was to probe NE#1's understanding of the "Get Call" function.

something else going on.” NE#1 said he typically contacts people operating vehicles with missing license plates. After watching the U-Haul security video, NE#1 admitted to not seeing a rear license plate but recalled seeing a temporary tag, a trip permit, or “something” in the rear window.⁵ Ultimately, NE#1 believed he had provided truthful statements to OPA, as they represented his “best recollection of what happened” without the benefit of BWV, ICV, or an incident report. NE#1 insisted, “It was not my intention to be untruthful at all.”

Analysis and Conclusions:

Named Employee #1 – Allegation #1

15.180 – Primary Investigations, 15.180-POL-1. Officers Shall Conduct a Thorough and Complete Search for Evidence

OPA alleged that NE#1 failed to conduct a thorough investigation.

In primary investigations, officers must conduct a thorough and complete search for evidence. SPD Policy 15.180-POL-1. Sworn personnel must know how to collect the most common physical evidence that might be encountered in a primary investigation. *Id.* Only evidence impractical to collect or submit to the Evidence Unit shall be retained by the owner. *Id.* Officers shall photograph all evidence retained by the owner. *Id.*

OPA finds, by a preponderance of the evidence,⁶ that NE#1 did not conduct a thorough investigation. NE#1’s investigation—or lack thereof—involved merely driving to the scene, engaging in an eight-second conversation with two people identified by the Complainant as the theft suspects, and contacting the Complainant by phone. This investigation was inadequate. Even if NE#1 had been unaware of the theft call—which the evidence clearly refutes—NE#1 acknowledged, “I didn’t see any U-Hauls like around [the suspects] that they appeared associated with, so I was just kind of going in there to check because you know that you do get a lot of siphoning gasses from that business.” Given his understanding of the business’ history of gas siphoning and the suspects’ suspicious attire and conduct in the U-Haul parking lot, NE#1 was obligated to investigate further by, at the very least, detaining the suspects, questioning them, and investigating whether they had taken any items from the parking lot. NE#1 failed to undertake any of these investigatory steps. Instead, NE#1 engaged in a conversation with the suspects lasting about eight seconds—a conversation whose details NE#1 conveniently could not recall, despite being able to recall other aspects of the incident, including his brief conversation with the Complainant.

Compounding the inadequacy of the investigation, NE#1 did not attempt to obtain the Complainant’s security video capturing the theft. Throughout both OPA interviews, NE#1 placed

⁵ OPA did not observe any such display in the video.

⁶ Under the preponderance of the evidence standard, if the greater weight of the evidence—more than 50 percent—supports the allegation, the recommended finding will be sustained. See OPA Internal Operations and Training Manual section 7.1.

significant emphasis on the Complainant returning the following day to determine which items were missing, yet NE#1 somehow overlooked the importance of this recording, which arguably held greater evidentiary value than the Complainant's confirmation of the stolen items, as the recording would have captured the entire crime, including the items that were taken. NE#1 was aware of the existence of this recording, as the Complainant informed NE#1 that he had observed the theft unfold on his security camera. Nevertheless, NE#1 made no efforts to acquire this evidence. Overall, NE#1 did not conduct a thorough and complete search for evidence under these circumstances.

Accordingly, OPA recommends that this allegation be Sustained.

Recommended Finding: **Sustained**

Named Employee #1 – Allegation #2

5.100 – Operations Bureau Individual Responsibilities, 1. Patrol Officers, A. Responsibilities, 2. Monitor and take appropriate action regarding criminal activity in assigned area

The Complainant alleged that NE#1 failed to take any police action against the suspects.

Patrol officers are responsible for monitoring and taking appropriate action regarding criminal activity in an assigned area. SPD Policy 5.100(1)(A)(2).

OPA finds, by a preponderance of the evidence, that NE#1 failed to take appropriate action against the suspects. Even if NE#1 had been unaware of the theft call—which the evidence clearly refutes—NE#1 had, at the very least, reasonable suspicion to detain the suspects due to highly suspicious circumstances. The suspects were the only individuals in the parking lot at night, dressed entirely in black, wearing hoods over their heads, while their faces were exposed, and near a Jeep with a missing front license plate. It was evident that something was amiss. Even NE#1 conceded that the scene was suspicious, citing the absence of U-Hauls associated with the suspects, the business' history of gas siphoning, the "suspicious Jeep" and its parking position, the suspects' dark clothing, and the hoods covering their heads. NE#1 also told OPA, "I think maybe these guys just stuck out a little bit more to me as far as I remember." Despite these highly suspicious circumstances warranting a *Terry* stop, NE#1 inexplicably permitted the suspects to leave—an action contrary to his duties as a patrol officer. NE#1 defended his decision by offering the claim that he was initiating a social contact on the suspects, believing that they did not appear to be engaging in criminal activity. NE#1 cannot maintain both positions—either the suspects were behaving suspiciously, or they were not.

Further exacerbating NE#1's failure to take any police action against the suspects was his prior knowledge of the theft call before arriving on scene, as further explained in Named Employee #1 – Allegation #8. Specifically, NE#1 was aware that there were two suspects—one male and one female—at the incident location when he read the following CAD update:

8:15 PM	Suspect (1) [WHITE MALE], [MID-30 YEARS OF AGE], 5'8-5'9, MED[IUM] BUILD, BL[AC]K SWEATSUIT, BL[AC]K SWEATS. (2) [WHITE FEMALE], [MID-30 YEARS OF AGE], 5'8-5'9, MED[IUM]/HEAVY BUILD, BL[AC]K CLOTHING.
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Upon NE#1's arrival at the scene, one male and one female were present. As NE#1 conceded during his OPA interview, the suspects matched the description noted in CAD. Yet, NE#1 inexplicably permitted them to leave.

Even if the suspects were not behaving suspiciously—which the evidence clearly refutes—based on NE#1's claim that it was not abnormal to see people in that area after hours, NE#1 would have subsequently established reasonable suspicion to detain the suspects upon noticing the Jeep lacking front and rear license plates. By NE#1's own admission, a vehicle with missing license plates "could be" suspicious and indicate "a number of things, like it's stolen or something else going on." Moreover, by NE#1's own admission, he usually contacts people operating vehicles with missing license plates. Yet, NE#1 did not take any action, even when he had reasonable suspicion of a second offense. OPA gives no credibility to NE#1's claim that he recalled seeing a temporary tag, a trip permit, or "something" in the rear window. OPA did not observe any such display in the video. Unquestionably, NE#1 failed to take any police action against the suspects under suspicious circumstances.

Accordingly, OPA recommends that this allegation be Sustained.

Recommended Finding: **Sustained**

Named Employee #1 – Allegation #3

15.180 – Primary Investigations, 15.180-POL-5. Officers Shall Document all Primary Investigations on a Report

OPA alleged that NE#1 failed to prepare an incident report.

Officers must document all primary investigations in a report. SPD Policy 15.180-POL-5. All reports must be complete, thorough, and accurate. *Id.*

OPA finds, by a preponderance of the evidence, that NE#1 failed to prepare an incident report. NE#1 defended his decision not to prepare an incident report by claiming that he preferred to wait for the Complainant to return the following day to determine which items had been stolen. NE#1 argued that the Complainant did not articulate a crime had occurred and wanted the Complainant to identify the items stolen in person. This reasoning is unpersuasive. NE#1 contradicted his own claim when he told OPA, "I learned after calling the Complainant and reading over the call that a crime may have been committed." NE#1 was accurate in concluding that "a crime may have been committed" based on two sources—CAD and the Complainant—that provided him with identical information. First, the CAD system accurately reflected the crime being reported to the police.

Second, the Complainant explicitly told NE#1 over the phone that two suspects had taken items from the U-Haul parking lot. Consequently, NE#1 acknowledged that, after speaking with the Complainant, he would have had sufficient information to execute a *Terry* stop on the suspects, further contradicting his initial claim that the Complainant did not articulate a crime. Despite the overwhelming evidence strongly indicating criminal activity, NE#1 chose not to prepare an incident report, relying instead on the claim that he believed no crime had occurred—a claim that NE#1 himself contradicted by his own admissions. Based on the evidence provide, by a preponderance of the evidence, NE#1 failed to prepare an incident report as required by policy.

Accordingly, OPA recommends that this allegation be Sustained.

Recommended Finding: **Sustained**

Named Employee #1 – Allegation #4

16.090 – In-Car and Body-Worn Video, 16.090-POL-2 Sworn Employees Recording Police Activity, 2. When Sworn Employees Record Activity

OPA alleged that NE#1 failed to record police activity on video.

When safe and practical, sworn employees will record police activity, even if the event is out of view of the camera. SPD Policy 16.090-POL-2(2). Police activity includes, among other things, dispatched calls, starting before the employee arrives on the call to ensure adequate time to turn on cameras. Police activity also includes questioning victims. *Id.*

OPA finds, by a preponderance of the evidence, that NE#1 failed to record police activity in two separate instances. In the first instance, policy required NE#1 to record when he self-dispatched to the theft call. NE#1 defended his decision not to record by claiming that he was not taking any police action at the time because the suspects did not appear to be engaging in criminal activity. However, NE#1 did not coincidentally arrive at the incident location or unexpectedly encounter two suspects there. As further explained in Named Employee #1 – Allegation #8, NE#1 drove to the scene while fully aware of the theft call from his CAD system. After 8:17 PM, when NE#1 clicked on the “Get Call” function in his CAD system and then drove to the scene, he was required to activate his recording devices before arriving. Nevertheless, NE#1 failed to activate either BWV or ICV.

In the second instance, policy required NE#1 to record when he questioned a victim. Nevertheless, NE#1 failed to activate his BWV for any of the numerous conversations he had with the victim over the phone. OPA concurs with NE#1’s admission that he should have recorded the incident. NE#1’s failure to do so in two separate instances, while fully aware of the theft call, was inexcusable.

Accordingly, OPA recommends that this allegation be Sustained.

Recommended Finding: **Sustained**

Named Employee #1 – Allegation #5

16.090 – In-Car and Body-Worn Video, 16.090-POL-1 Recording with ICV and BWV, 6. Sworn Employees Will Document the Existence of Video or Reason for Lack of Video

OPA alleged that NE#1 failed to document the absence of video.

Sworn employees will document the existence or absence of any BWV and/or ICV video in any related paperwork. SPD Policy 16.090-POL-1(6). When sworn employees are aware that there is no recording or there was a delay in recording, they will explain why in the submitted paperwork. *Id.*

OPA finds, by a preponderance of the evidence, that NE#1 failed to document the absence of video. OPA could not find any incident report or any updates from NE#1 in the CAD system. When OPA asked NE#1 about this information, he replied, “It was my impression at the time that it was unnecessary to record any of that stuff because I wasn’t taking any police action.” NE#1 misunderstood the requirements of this policy. As noted in Named Employee #1 – Allegation #4, NE#1 had no justification for his failure to record before arriving on scene, as he had been given all pertinent information indicating criminal activity at the location he was approaching.⁷ Furthermore, exacerbating NE#1’s failure to record was his subsequent failure to document the absence of video, whether in CAD or in an incident report.

Accordingly, OPA recommends that this allegation be Sustained.

Recommended Finding: **Sustained**

Named Employee #1 – Allegation #6

12.050 – Criminal Justice Information Systems, 12.050-POL-2. Inquiries Through ACCESS, or Any Other Criminal Justice Record System, Are Only to Be Made for Legitimate Law Enforcement Purposes

OPA alleged that NE#1 improperly accessed criminal justice records.

Inquiries through ACCESS, or any other criminal justice record system, must be made only for legitimate law enforcement purposes. SPD Policy 12.050-POL-2. Inquiries for personal or inappropriate use or disseminating the information can result in internal discipline, as well as penalties under federal and state law. *Id.*

This allegation is unfounded. First, at 8:45 PM, NE#1 ran a male’s name, who NE#1 claimed was a felony warrant suspect known to frequent the area. NE#1 also claimed that he ran this male’s

⁷ Pertinent information included: CAD call remarks, the call type (theft), and incident location.

name to confirm the status of any active warrants. However, OPA did not uncover evidence linking the male to this theft call. Second, NE#1 ran two different license plates—one at 8:49 PM and the other at 9:10 PM. NE#1 claimed that he routinely runs license plates as part of his duties to identify stolen or suspicious vehicles, warrant suspects, or mismatched plates. OPA determined that neither license plate was associated with a red Jeep. Moreover, patrol officers routinely run warrant suspects or license plates as part of their duties. Since NE#1's actions were consistent with these duties, there was no evidence to indicate that NE#1 improperly accessed criminal justice records.

Accordingly, OPA recommends that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained – Unfounded**

Named Employee #1 – Allegation #7

5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional

OPA alleged that NE#1 undermined public trust in himself and SPD.

SPD employees must “strive to be professional.” SPD Policy 5.001-POL-10. Further, “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers,” whether on or off duty. *Id.*

OPA finds, by a preponderance of the evidence, that NE#1 undermined public trust in himself and SPD. When the Complainant observed two suspects stealing items from a U-Haul parking lot on video, he—like any other person similarly situated—called 911 to request police assistance. The Complainant then observed NE#1 encountering the suspects, while having more than enough information to at least detain them. The public, including the Complainant, would expect any police officer to take appropriate action under these circumstances. Yet, NE#1 failed to meet these expectations by permitting the suspects to leave.⁸ This act alone would have been sufficient to sustain this allegation, yet further missteps continued. As described above, NE#1 conducted a deficient investigation, failed to obtain the suspects' information, failed to obtain the Complainant's video recording, failed to document any details of the investigation, failed to update CAD with information from his conversation with the Complainant, and failed to record the incident on video. Based on the totality of the circumstances and the evidence provided, the public's trust in SPD and NE#1 would be undermined.

Accordingly, OPA recommends that this allegation be Sustained.

Recommended Finding: **Sustained**

⁸ The Complainant expressed concern in his OPA complaint that NE#1 allowed the “perps” to leave.

Named Employee #1 – Allegation #8

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

OPA alleged that NE#1 provided a dishonest statement during his OPA interview.

Department employees must be truthful and complete in all communications. SPD Policy 5.001-POL-11.

Under the Seattle Police Officers' Guild Collective Bargaining Agreement (SPOG CBA), a sustained complaint involving dishonesty "relating to the administration of justice" carries a presumption of termination. SPOG CBA article 3.1. In such cases, dishonesty is defined as "intentionally providing false information, which the officer knows to be false, or intentionally providing incomplete responses to specific questions, regarding facts that are material to the investigation." *Id.* Dishonesty means "more than mere inaccuracy or faulty memory." *Id.* For termination cases where "the alleged offense is stigmatizing to a law enforcement officer," an "elevated standard of review (i.e. – more than preponderance of the evidence)" applies. *Id.*

a. OPA's Original Finding

OPA originally found, by an elevated standard of review, that NE#1 provided an intentionally and materially dishonest statement during his OPA interview. The statement at issue was NE#1's claim that he was unaware of the theft call before he arrived on scene, and that he learned about it after the suspects had left. OPA originally found this statement was dishonest, despite NE#1's repeated attempts in stating his answers were to the "best recollection of what happened." OPA reached that conclusion for the following reasons.

A CAD analyst verified that NE#1 clicked on the "Get Call" button in his CAD system at 8:17 PM, giving him access to all call updates up to that time, including the reported criminal activity, suspect descriptions, vehicle description, and incident location. GPS data showed NE#1 nowhere near the incident location when he viewed the call; he was in sector D1 at that moment. Suddenly, at 8:19 PM, NE#1 began approaching sector Q1, where the call was located. GPS data showed NE#1 driving directly to the incident location without any detours and arriving at 8:29 PM—about 12 minutes after the theft call had been broadcasted. In other words, just two minutes after NE#1 clicked on the "Get Call" button in his CAD system, he headed directly to the incident location. NE#1's driving behavior indicated intentionality and was reactionary to the theft call. OPA originally found NE#1's repeated attempts at framing his statement as his "best recollection" unpersuasive. If NE#1 had truly been unaware of the theft call, he would have remained in sector D1 at 8:17 PM. There would have been no reason for NE#1's sudden presence in sector Q1 unless he was responding to a call in that location. CAD and GPS records clearly refute NE#1's dishonest statement that he reviewed the theft call after the suspects had left.

Even if NE#1 merely downloaded the call by clicking on "Get Call" and somehow did not click on either the "Responses" or "Calls" button to view the call updates from 8:15 PM to 8:17 PM, he still would have been aware of the nature of the call. To access the "Get Call" feature, NE#1 would

have first needed to double-click on the call in the CAD system. This action would have resulted in a new window appearing, which would have displayed the CAD call remarks (“NORCOM [TRANSFER] // TWO SUBJECTS SEEN STEALING FUEL FROM TWO VEHICLES IN THE PARKING LOT. VIA VIDEO FOOTAGE. NO [WEAPONS]”), the call type (theft), and the call location (U-Haul store in sector Q1). This information, even without the call updates from the “Get Call” feature, would have sufficed for NE#1 to respond to the scene.

Notwithstanding CAD and GPS records—which, on their own, prove that NE#1 was aware of the theft call before he arrived on scene—OPA originally found other evidence reinforced the fact that NE#1 reviewed all updates to the call after he clicked on “Get Call.” By NE#1’s own admission, he reviews all updates to a call “most of the time,” even though he cautioned, “I don’t remember if I did or not in this case.” NE#1 claimed to have observed other people walking in the U-Haul parking, a claim that OPA did not observe on video, and repeatedly claimed that it was not abnormal to see people in this area at this time, as people often return U-Haul property after hours. Notably, these claims coincided with the following call update:

8:16 PM	(M)STORE IS CURRENTLY CLOSED AND THERE ARE NO STAFF ON SCENE BUT [REPORTING PARTY] SAYS HE SAW CUSTOMERS RETURNING THEIR UHAUL VEHICLES AS WELL.
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NE#1 more likely than not acquired this information by reviewing the call update, since neither the Complainant nor NE#1 told OPA that this was a topic they had discussed over the phone. This serves as additional evidence that NE#1 reviewed the theft call, including the call updates, before arriving at the scene.

OPA originally found NE#1’s account regarding his response to this incident was predicated on a significant falsehood—that he was unaware of the theft call and fortuitously came across the suspects in the U-Haul parking lot, and that he learned about the theft call only after the suspects had left. However, the evidence clearly proved otherwise. NE#1’s response to the theft call after it was broadcasted, which included clicking on “Get Call” and his subsequent driving behavior, would have been illogical unless he had knowledge of the call. Thus, based on the evidence provided, OPA originally found NE#1’s statement was intentionally and materially dishonest. OPA originally found NE#1 was aware of the theft call and subsequently dishonest about it to OPA.

b. OPA’s Amended Finding

At the discipline meetings for this case, members of OPA and NE#1’s chain of command had thoughtful, robust conversations as to whether the evidence in this case met the strict definitions of dishonesty and “elevated” standard of review imposed by SPOG CBA article 3.1. Importantly, the discussion focused on whether NE#1 intentionally provided false information to OPA by stating he was not aware of the call before contacting the suspects.

There was strong evidence that NE#1 was aware of the call prior to contacting the suspects on the date of incident. But OPA recognizes there was less direct evidence to prove—by the contractual elevated standard—that NE#1 was intentionally dishonest when he incorrectly

suggested at his OPA interview about two-and-a-half months later that he was not aware of the call prior to approaching the suspects, to the best of his recollection. Also, several factors suggested NE#1 may have possibly responded out of faulty memory. First, throughout his OPA interviews, NE#1 openly expressed some uncertainty as to whether he accessed the call details prior to contacting the suspects. Second, the passage of time could have affected NE#1's recollection of this incident. Third, the underlying call itself—a theft call at a U-Haul—was fairly routine. Fourth, due to NE#1's failure to document his response to this incident, there was limited material through which he could refresh his recollection ahead of his OPA interview.

For these reasons, OPA now amends its recommended finding for this allegation to Not Sustained – Inconclusive.

Recommended Finding: **Not Sustained – Inconclusive**