



## ***CLOSED CASE SUMMARY***

ISSUED DATE: JULY 30, 2020

FROM: DIRECTOR ANDREW MYERBERG  
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2020OPA-0259

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

#### **Named Employee #1**

Allegation(s):		Director's Findings
# 1	15.180 - Primary Investigations 1. Officers Shall Conduct a Thorough and Complete Search for Evidence	Not Sustained (Lawful and Proper)

#### **Named Employee #2**

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy	Not Sustained (Unfounded)

***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 this son was murdered and that SPD officers ignored him and other witnesses who provided evidence about his son's death.

### **ADMINISTRATIVE NOTE:**

This case was designated as an Expedited Investigation. This means that OPA, with the review and approval of the Office of Inspector General for Public Safety, believed that it could reach and issue recommended findings based solely on its intake investigation.

### **ANALYSIS AND CONCLUSIONS:**

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

#### ***15.180 - Primary Investigations 1. Officers Shall Conduct a Thorough and Complete Search for Evidence***

SPD received a 911 call stating that a 15-year old male had shot himself in the head in the basement of a residence. Patrol officers responded to the scene and secured it, recovering a semi-automatic Glock handgun. The victim was found in a seated position, holding his phone, with the gun on the ground beneath him. Seattle Fire Department medics responded to the scene; however, the victim later died from his injuries. Patrol officers called the SPD Homicide Unit, and Named Employee #1 (NE#1), a Homicide Unit detective, responded to the scene to investigate. Officers and detectives interviewed the only apparent witnesses to this incident, two juvenile males who were in the basement with the victim at the time of the shooting. They stated that they were taking a "Snapchat" photo



together when they heard a gunshot and saw that the victim had shot himself. The original 911 caller, who is the parent of one of the juvenile witnesses, told Homicide Unit detectives that, when she found the victim, the firearm was in his lap. Upon their arrival at the scene, the officers found the 911 caller attempting to provide medical aid to the victim. Officers and detectives took photos of the scene, collected the firearm and the victim's phone as evidence, and attempted to retrieve the bullet lodged in the wall, but were unable to do so. The King County Medical Examiner ultimately ruled that the victim's death was a suicide.

Shortly afterwards, the victim's father, who is the Complainant in this case, contacted SPD. The Complainant expressed to SPD Dispatchers that he was driving to Harborview Medical Center and was angry because he believed that SPD had failed to appropriately protect his son. The 911 audio recording indicated that the Complainant repeatedly used profanity, and that SPD Dispatchers called him back to ensure he was driving safely. The day after the shooting, the Complainant called SPD and officers responded to speak with him. The Complainant showed officers pictures of his son and expressed anger that SPD was not doing its job. The Complainant was upset that the incident was being treated as a suicide. He provided the officers with written statements, which were purportedly made by the victim about threats that had been made to him several months prior to his death.

The Complainant later contacted SPD Homicide and spoke to Named Employee #1 (NE#1). NE#1 reported that he told the Complainant that he believed the victim's gunshot wound was self-inflicted. The NE#1 reported that the Complainant became angry and repeatedly used profanity during the call, which prompted NE#1 to warn the Complainant that he would hang up the phone if the Complainant did not cease doing so. Ultimately, NE#1 terminated the call. The Complainant eventually contacted OPA and filed this complaint. The Complainant alleged that his son was murdered by a third party (herein referred to as the Subject) and that SPD had failed to properly investigate his son's murder. The Complainant told OPA that he would meet with OPA investigators in-person, but never did so.

SPD Policy 15.180-POL-1 requires that, in primary investigations, officers conduct a thorough and complete search for evidence. The policy further requires officers to collect evidence and states that only evidence that it impractical to collect shall be retained by the owner. (SPD Policy 15.180-POL-1.) Such evidence should be photographed. (*Id.*)

OPA believes that the investigation conducted by NE#1 and others in this case met the requirements imposed by SPD Policy. Appropriate witnesses were interviewed, including some multiple times, and relevant evidence was collected and photographed. The determination that the victim committed suicide appeared to have been supported by the crime scene evidence. The Complainant's theory of what actually occurred is that the Subject murdered his son but left before police arrived. In support of this assertion, he pointed to threats apparently made by the Subject's mother against the victim approximately six months prior to the Victim's death. However, there is no evidence indicating that either the Subject or his mother were present at the scene of the victim's death.

OPA sympathizes with the Complainant. Losing a child, no matter what the circumstances, is a horrific and heartbreaking experience which no parent should have to suffer through. OPA believes that the Complainant's anger and frustration are entirely understandable. However, because the evidence suggests that NE#1's investigation of this incident complied with the requirements of SPD Policy, even if the Complainant vehemently disagrees with the conclusions, OPA recommends that this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained (Lawful and Proper)**



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

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

This allegation was classified for investigation against an unknown SPD employee because the Complainant also alleged that SPD officers were complicit in his son's death.

SPD Policy 5.001-POL-2 requires that employees adhere to laws, City policy, and Department policy. As such, if an SPD employee had solicited, encouraged, or agreed to aid someone in the murder of the Complainant's son, such conduct would have violated SPD Policy.

However, OPA's investigation found no evidence of such conduct on the part of any of the officers or detectives involved in the investigation of this incident. Even if SPD officers or detectives had failed to properly investigate the victim's death, that conduct would not rise to the level of criminal complicity as established by state law. (See RCW 9A.08.020.)

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

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