



## CLOSED CASE SUMMARY

ISSUED DATE: DECEMBER 1, 2020

FROM: DIRECTOR ANDREW MYERBERG  
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2020OPA-0267

### **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 Policy	Not Sustained (Unfounded)
# 2	5.001 – Standards and Duties 10. Employees Shall Strive to be Professional	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:**

It was alleged that the Named Employee was involved in a domestic dispute with his then girlfriend.

### **ANALYSIS AND CONCLUSIONS:**

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

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

On April 24, 2020, a third party (the "911 Caller") called 911 to report a domestic dispute between the 911 Caller's friend (the "Subject") and Named Employee #1 (NE#1). At the time, NE#1 was the Subject's boyfriend. According to the 911 Caller, she had received text messages from the Subject indicating that the Subject had been in an argument with NE#1. This led the Subject to become concerned for her safety and the safety of her child. The Subject had also advised the 911 Caller that NE#1 would not leave the home, prompting the Subject to move her child out of the home. Additionally, the 911 Caller was told by the Subject that she had locked herself in her room because NE#1 was shouting and using physical force against her. Based on the 911 Caller's report, Renton Police Department (RPD) officers traveled to the home to conduct a welfare check and investigation.

Once on scene, the RPD officers found both the Subject and NE#1 at the home. The officers interviewed the two parties separately. The Subject informed the officers that she had been involved in an argument with NE#1 after learning that NE#1 had an ex-wife and child. The Subject initially stated that NE#1 grabbed her arm and took her out of a bedroom, and she characterized that as an assault. However, she later backtracked on that statement and told the officers that she had neither been injured nor assaulted. The officers saw no marks or other evidence of an assault on the Subject's body. NE#1 informed officers that he had become involved in an argument with the Subject after she adjusted the television channel. He said that, at this time, he took hold of the Subject's arm and escorted her from the room. NE#1 provided the officers with a video he had recorded on his cellphone, which he said



depicted the argument. This video footage showed NE#1 and the Subject engaged in a verbal argument. It further depicted NE#1 repeatedly asking the Subject to leave the room. The video showed that NE#1 eventually took hold of the Subject's arm and escorted her from the room. There was no indication of any assaultive behavior on NE#1's part. After obtaining statements from the involved parties and reviewing the video evidence, the RPD officers found no basis to conclude that a crime had been committed.

OPA was notified of the RPD response to NE#1's home and commenced this investigation. OPA attempted to interview the Subject, but she declined to participate. OPA interviewed NE#1. He stated that he and the Subject had both been drinking the night of the incident and became involved in a verbal argument. NE#1 said that he relocated to a different room to create distance between them; however, the Subject followed him inside. NE#1 said that, at this point, he repeatedly asked the Subject to leave, but she refused. He told OPA that, in order to remove her from the room and to prevent any escalation of the argument, he took her by the arm and led her out of the room. NE#1 denied engaging in assaultive behavior at any time, as well as denied violating the law and SPD policies.

SPD Policy 5.001-POL-2 requires that employees adhere to laws, City policy, and Department policy. Based on a review of the totality of the available information, OPA concurs with the RPD officers that there is no evidence establishing that NE#1 engaged in a crime. While the Subject made statements to the 911 Caller indicating that an assault had occurred and also initially relayed that information to officers, she subsequently denied that it occurred and did not have any physical marks or other indicators of being a victim of such a crime. Moreover, the video evidence that recorded the interaction between NE#1 and the Subject did not reveal any assaultive behavior on NE#1's part.

Accordingly, OPA recommends that 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 that SPD employees "strive to be professional." The policy further instructs that "employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers" whether on or off duty. (SPD Policy 5.001-POL-10.) The policy further states the following: "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.*) Lastly, the policy instructs Department employees to "avoid unnecessary escalation of events even if those events do not end in reportable uses of force." (*Id.*)

As discussed above, there is no evidentiary basis to conclude that NE#1 engaged in criminal activity. Given this determination, OPA also finds that NE#1 did not violate the Department's professionalism policy. Accordingly, OPA recommends that this allegation be Not Sustained – Unfounded.

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