



CLOSED CASE SUMMARY

ISSUED DATE: MAY 24, 2022

FROM: INTERIM DIRECTOR GRÁINNE PERKINS
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2021OPA-0474

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	15.180 Primary Investigations 5. Officers Shall Document all Primary Investigations on a Report	Not Sustained - Training Referral
# 2	5.001 Standards and Duties 10. Employees Will Strive to be Professional	Not Sustained - Inconclusive

Named Employee #2

Allegation(s):		Director’s Findings
# 1	15.180 Primary Investigations 5. Officers Shall Document all Primary Investigations on a Report	Not Sustained - Training Referral
# 2	5.001 Standards and Duties 10. Employees Will Strive to be Professional	Not Sustained - Inconclusive

Named Employee #3

Allegation(s):		Director’s Findings
# 1	15.180 Primary Investigations 5. Officers Shall Document all Primary Investigations on a Report	Not Sustained - Unfounded
# 2	5.001 Standards and Duties 10. Employees Will 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:

The Complainant alleged that Named Employees failed to assist her after she reported an assault to them. It was further alleged that the Named Employees failed to appropriately document the incident.

SUMMARY OF INVESTIGATION:

The Complainant alleged that at Rainier / Dakota St. a male on a bicycle spat in her face and “stalked” her. The Complainant was accompanied by her sister, Community Member #1 (CM#1) at the time. The Complainant stated that the assault was unprovoked and that she had a tissue with the spit in her possession. The Complainant stated that she approached the Named Employees who were standing together and reported the matter. The Complainant stated that officers, “actually told me to bring the man who assaulted me to them if I saw him.” The Complainant stated that



she informed the Named Employees of the suspect's location—in the Rainer Plaza parking lot—but they failed to take any action to assist her.

During its investigation, OPA reviewed the complaint, made efforts to interview the Complainant to no avail, reviewed Computer Aided Dispatch (CAD). OPA searched for, but did not locate, any Call Reports, Incident Reports, In-Car Video or Body Worn Video (BWV). OPA also made efforts to secure independent CCTV in the area, but was unsuccessful.

Named Employee #1 (NE#1) was assigned to the Mobile Precinct (MP) and was in the parking lot. Named Employee #2 (NE#2) and Named Employee #3 (NE#3) were assigned to a two-officer patrol car.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

15.180 Primary Investigations 5. Officers Shall Document all Primary Investigations on a Report

SPD Policy 15.180-POL-5 requires that officers document all primary investigations on a General Offense Report. Even where victims of crime refuse to cooperate and to give a statement, officers are still required to document that fact in a report. (SPD Policy 15.180-POL-5.) Lastly, the Department's expectation, which has been clearly conveyed to officers, is that this report will be completed prior to the end of their shift on the date of the incident.

NE#1 had a "cloudy" recollection of the incident and regarded it as a social contact. NE#1 recalled being approached by two young women who alleged that they had been followed by an unknown male on a bicycle and that he was saying bad things to them and that he had spat at them. NE#1 stated that he saw a napkin in one of the girls' hands but that she made no reference to it. NE#1 stated that he walked in the direction of where the Complainant and CM#1 had indicated where they last saw the male. NE#1 could not locate anyone in that vicinity. NE#1 stated that he informed both the Complainant and CM#1 that if he saw the suspect, he would speak with him. NE#1 stated that the Complainant and CM#1 went to the Safeway and when they came back, they said they saw the suspect. NE#1 again could not locate the suspect. NE#1 stated that he ensured that both girls felt safe walking home before they left his company. NE#1 stated he asked them if they had a cell phone that they could ring 911 if needed to. NE#1 denied asking the Complainant to bring the suspect to him.

NE#1 did not complete a report of the incident because he believed that it had not risen to a criminal level and did not meet the standards which would warrant a report. NE#1 stated that neither female asked for a report and that he would have documented the incident if he thought it necessary. While OPA recognizes the significant number of years of experience that NE#1 has, the policy stipulates that a report should be written where any type of investigation was conducted, such as when NE#1 went to look for the suspect. OPA has never had a case with NE#1 previously where he failed to document an incident. NE#1 needs to be cognizant that reports serve a dual purpose in policing. While a report only documents a past occurrence, it can also be used to map the possibility for any future incidents in that area. OPA believes that the failure to document this incident was not a willful violation of policy amounting to misconduct and as such recommends a training referral.

- **Training Referral:** NE#1's chain of command should discuss OPA's findings with NE#1. The Training Referral should incorporate counseling and training on relevant sections of SPD Policy 15.180-POL-5. Supervisory staff should provide any further retraining and counseling that it deems appropriate. The retraining and counseling conducted should be documented, and this documentation should be maintained in Blue Team.



Recommended Finding: **Not Sustained - Training Referral**

Named Employee #1 - Allegation #2

5.001 Standards and Duties 10. Employees Will 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.)

The Complainant’s version of events could not be examined further. OPA made multiple attempts to interview the Complainant and/or CM#1 to no avail. As such, there is a difference with respect to the conversation as alleged by the Complainant and what NE#1 then described. However, there is no independent evidence available which would support or refute the allegation of professionalism. Accordingly, OPA recommends that this allegation be Not Sustained – Inconclusive.

Recommended Finding: **Not Sustained - Inconclusive**

Named Employee #2 - Allegation #1

15.180 Primary Investigations 5. Officers Shall Document all Primary Investigations on a Report

SPD Policy 15.180-POL-5 requires that officers document all primary investigations on a General Offense Report. Even where victims of crime refuse to cooperate and to give a statement, officers are still required to document that fact in a report. (SPD Policy 15.180-POL-5.) Lastly, the Department’s expectation, which has been clearly conveyed to officers, is that this report will be completed prior to the end of their shift on the date of the incident.

NE#2 had a vague recollection of the incident. NE#2 was working in a two-person car with NE#3 and called to the Mobile Precinct where NE#1 was stationed. NE#2 stated that he and NE#3 were having a coffee with NE#1 when two young girls (the Complainant and CM#1) approached them and indicated that “some guy” was following them on a bike. NE#2 stated that he and NE#1 asked them where this occurred. NE#2 stated that they pointed to a parking lot. NE#2 stated that they asked the girls where they were going, and they stated that they were going to Safeway and returned approximately ten minutes later. NE#2 stated he recalled NE#1 asking them where they were going and if they had a cell phone and telling them they could ring 911 if needed. NE#2 stated that he recalled the two girls stating that they were going to meet their mother who was in the opposite direction, thanked them, and then left. There was no BWV of this incident.

NE#2 stated that he believed that the girls were concerned about this man on a bike and that he was yelling at them, but there was no crime. NE#2 stated that the Complainant and CM#1 were telling him that they felt unsafe. NE#2 had no recollection of any reference to spit, nor did he recall seeing a napkin.

For the same reasons as outlined in Named Employee #1 Allegation #1, OPA finds that a report should have been made of this complaint. The fact NE#2 believed that the girls felt unsafe should have been reason enough to document



the incident. OPA has never had a case with NE#2 previously where he failed to document an incident. OPA believes that the failure to document this incident was not a willful violation of policy amounting to misconduct and a such recommends a training referral is recommended.

- **Training Referral:** NE#2's chain of command should discuss OPA's findings with NE#2. The Training Referral should incorporate counseling and training on relevant sections of SPD Policy 15.180-POL-5. Supervisory staff should provide any further retraining and counseling that it deems appropriate. The retraining and counseling conducted should be documented, and this documentation should be maintained in Blue Team

Recommended Finding: **Not Sustained - Training Referral**

Named Employee #2 - Allegation #2

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

For the same reasons as stated above (see Named Employee #1 – Allegation #2), OPA recommends that this allegation be Not Sustained – Inconclusive.

Recommended Finding: **Not Sustained - Inconclusive**

Named Employee #3 - Allegation #1

15.180 Primary Investigations 5. Officers Shall Document all Primary Investigations on a Report

NE#3 recollected the incident and stated that he was standing near the Mobile Precinct when two females (the Complainant and CM#1) approached. NE#3 observed NE#1 speaking with both the females. NE#3 was unaware if NE#2 had engaged with the females. NE#3 had no contact with either female. NE#3 recalled hearing something about a bicycle, looking around the parking lot and not seeing anything. NE#3 overheard an assault being described where the females reported being harassed, followed, and spat on. NE#3 recalled NE#1 telling the females to come back if they saw the suspect again.

Both NE#1 and NE#2 spoke with the Complainant and CM#1. As NE#3 had no contact with either the Complainant or CM#1 there is no requirement on NE#3 with respect to producing a report. OPA recommends this be classified as Not Sustained – Unfounded

Recommended Finding: **Not Sustained - Unfounded**

Named Employee #3 - Allegation #2

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

For the same reasons as stated above (see Named Employee #3 – Allegation #1), OPA recommends that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained - Unfounded**