



## ***CLOSED CASE SUMMARY***

ISSUED DATE: MAY 26, 2022

FROM: INTERIM DIRECTOR GRÁINNE PERKINS  
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2021OPA-0500

### **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 - Unfounded
# 2	15.190 Auto Theft and Recovery 5. Officers Complete a Report Documenting the On-Scene Investigation of Stolen Vehicles and Plates.	Not Sustained - Training Referral
# 3	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 Employee #1 (NE#1) failed to assist her after she had been assaulted and her vehicle and mobile phone were stolen. It was also alleged that NE#1 was unprofessional during his engagement with her. It was further alleged that NE#1 may not have accurately recorded events in his report of the incident.

### **SUMMARY OF INVESTIGATION:**

On November 2, 2021, the Complainant contacted 911 and reported that she had been assaulted and her vehicle had been stolen. The Complainant stated (twice) to Dispatch that she did not know who had taken her vehicle. Dispatch requested that the Complainant remain at the location, a parking garage, and wait for Police to arrive. Seattle Fire Department and air support units were requested by Dispatch. NE#1 arrived at the scene. NE#1's entire response to, and investigation of, this incident was recorded on his BWV. As such, these underlying facts are not in credible dispute.

The Complainant requested that her iPhone be tracked and provided NE#1 with the details of the suspect, her vehicle and license plate information. An independent witness, Community Member #1 (CM#1) assisted in trying to locate the Complainant's iPhone. NE#1 spoke with both the Complainant and CM#1 about how the Complainant was approached by the suspect and how the car was stolen. The Complainant stated that she had been approached by an unknown female as she was walking to her car. The Complainant stated that this woman began screaming at her, "You stole from me you stupid b\*\*\*\*, you stole from me" and then punched her, grabbed the Complainant's car keys and purse, and drove off in the Complainant's car. The Complainant was holding a tissue to her nose throughout her interaction with NE#1. NE#1 requested SFD to attend. NE#1 explained to the Complainant his desire for her to remain at the scene to potentially identify the suspect. The Complainant stated her opinion that the police did not have any suspect in custody and that she preferred to leave the scene and search for the suspect and vehicle on her own. The



Complainant stated that the longer she stayed at the scene, the less chance she would have had to find her iPhone. She then apologized to NE#1 and left the scene before SFD arrived.

NE#1 then spoke with CM#1 and another individual, Community Member #2 (CM#2). Both CM#1 and CM#2 indicated that it appeared like the suspect and the Complainant may have known each other. Both Community Members reiterated how violent the suspect was in the interaction. CM#1 stated that it "Seemed like they almost knew each other, but I don't know, she (the Complainant) said, No." NE#1 discussed with both Community Members that he found it "weird" that the Complainant left in the manner that she did and did not want police assistance. NE#1 updated dispatch that the Complainant was uncooperative and had left the scene. NE#1 discussed the classification of the incident with an attending Sergeant. NE#1 recorded the incident as "Suspicious circumstances."

NE#1 completed a very short general offense report, labeling this a Suspicious Circumstance. NE#1 wrote that the Complainant was agitated and did not want any police assistance. NE#1 noted the Complainant had "redness" on her nose but could not verify if it was the result of being assaulted. NE#1 noted that the Complainant kept saying the suspect took her car but could not verify if the suspect had permission to take it.

The Complainant contacted 911 a couple times later that day to ask if she needed to provide any additional information. The Complainant was transferred to the non-emergency line but never got through to an officer. The Complainant stated that she located her vehicle two days later and discovered, on contacting 911 to report its recovery, that it had not been recorded as stolen. The Complainant stated that she posted some information online about what occurred and started an online petition to encourage the property owner to have security on site.

#### **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 stated that he wrote a general report because the victim left the scene before he was able to investigate the assault and auto theft. NE#1 obtained information from two independent witnesses who raised suspicions with the circumstances of the interaction between the suspect and the Complainant. The manner in which the Complainant failed to cooperate with NE#1 added to his suspicions with respect to his reasoning for writing such a brief report.

OPA noted that although the NE's report was brief, it contained accurate information about the occurrence. OPA believes that NE#1 completed the report in accordance with policy and that the report was sufficient, albeit brief, and based on the information available to NE#1.

Recommended Finding: **Not Sustained - Unfounded**



---

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

***15.190 Auto Theft and Recovery 5. Officers Complete a Report Documenting the On-Scene Investigation of Stolen Vehicles and Plates.***

SPD policy 15.190 states that when Officers Complete a Report Documenting the On-Scene Investigation of Stolen Vehicles and Plates, officers will include in the narrative: The specific details of the theft, and any evidence left at the scene, and that they provided the complainant with a case number and business card. Officers will also document property of significant value left in the vehicle by the victim on a property report.

When the call was originally given by dispatch it was detailed as an auto theft that subsequently changed to a potential carjacking. NE#1 stated that the victim (the Complainant) left the scene prior to obtaining the necessary information to have the vehicle entered as stolen. BWV depicted the NE#1 discussing with the screening Sergeant what the appropriate entry should be with respect to available information and the fact that the Complainant was reluctant to engage with police.

NE#1 stated that while he was attempting to obtain the correct information about the Complainant's vehicle, the Complainant appeared more concerned about recovering her iPhone. From BWV, it appears that the Complainant linked the recovery of her iPhone to her vehicle and had focused her attention on that aspect more than on the vehicle itself. For NE#1 however, the information about the vehicle and the circumstances of the robbery would have been required to classify the vehicle as having been stolen. It appeared that the Complainant left the scene before NE#1 could establish aspects of a theft, which influenced his decision regarding whether to document the vehicle as stolen.

In interview, NE#1 stated that he could have asked the Complainant some of the questions related to the auto theft before she left the scene. While OPA appreciates this reflection by NE#1, it is also accepted that this was difficult to do given the Complainant's reluctance to remain at the scene.

Ultimately, in OPA's view, the unexpected reaction of the Complainant appeared to distract NE#1 from common sense. The call came over as an auto theft before it was changed to a carjacking. The Complainant reported that the suspect punched her, took her keys, and drove off in her car. The Complainant also stated that the suspect wanted to "steal" her car. This incident should have been classified and documented as a stolen vehicle.

OPA does not believe that there was a willful violation by NE#1 of this policy and that genuine efforts were made to determine the circumstances of this incident. In the absence of information from the Complainant, NE#1 made a best-effort judgment call relating to what information he had about the alleged theft of the vehicle. Accordingly, OPA recommends that this allegation be Not Sustained – 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 15.180 -POL-5. Officers Shall Document all Primary Investigations on a Report and explain the importance of detail over brevity in report writing. Details of this should be documented, and this documentation should be maintained in Blue Team.

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



---

**Named Employee #1 - Allegation #3**

***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.*)

In her initial complaint to OPA, the Complainant alleged, “Why are the police and Dispatch always so rude.” In subsequently speaking with the OPA, the Complainant stated that “she did not think that she handled the initial incident well” and that she wished she would not have left the scene so that her vehicle could have been entered into the system as stolen. OPA appreciates that in the immediate aftermath of being assaulted and theft of her vehicle that she was in distress. In addition to this, OPA appreciates the subsequent frustration of finding her own vehicle only to discover that it had never been recorded by police as having been stolen.

When interviewed, NE#1 stated that that he did not want to appear to be ordering the victim to answer questions. BWV depicted NE#1 encouraging the Complainant to try and take a breath so he could assist her before she left the scene.

On review of the BWV and statements made, OPA does not find that NE#1 actions or behavior were derogatory, contemptuous, or disrespectful toward the Complainant or any other individuals present. During his collection of statements from independent witness, NE#1 stated to CM#1 and CM#2 that he “found it weird” regarding the Complainant’s departure and failure to remain at scene. While OPA does not deny that this may have been his honest opinion, OPA needs to caution NE#1, that he needs to be cognizant of inserting his opinion in this manner owing to any undue influence he could potentially assert on witnesses by stating such things. Regardless of this, OPA does not believe that NE#1 violated this policy and recommends that the allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained - Unfounded**