



## ***CLOSED CASE SUMMARY***

ISSUED DATE: NOVEMBER 26, 2022

FROM: DIRECTOR GINO BETTS  
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0168

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

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

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

***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:**

During Named Employee #1's (NE#1) response to an incident involving the Complainant, NE#1 was allegedly dismissive, yelled, and suggested he did not have to active his Body Worn Video camera. NE#1 also allegedly photographed the Complainant, but failed to include the photo with the police report. Last, NE#1 allegedly misrepresented the Complainant's description of the suspect.

### **ADMINISTRATIVE NOTE:**

This case was designated an Expedited Investigation. That means OPA, with the Office of Inspector General's (OIG) concurrence, believed it could reach recommended findings based on its intake investigation without interviewing the involved employees. As such, OPA did not interview the involved employees in this case.

### **SUMMARY OF INVESTIGATION:**

OPA reviewed the initial complaint, CAD Call Report, the General Offense Incident Report, Case Investigation Report, and Body-Worn Video (BWV). Additionally, OPA interviewed the Complainant.

#### ***a. Computer-Aided Dispatch (CAD)***

On February 5, 2022, at 03:54AM, the Complainant called 911 from the Greyhound Bus Depot at 503 S Royal Brougham Way. The call remarks state: "10 MIN AGO. RP REPORTING AN UNK MALE THREW SOMETHING AT HER HEAD, UNK WHERE SUSP IS NOW, SCREENING WITH FIRE."

At 03:55AM, NE#1 was enroute to the call.



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At 03:58AM additional information was added: "No desc avail. RP says susp was yelling at her, then when she turned away from him, he threw something at her. She's bleeding in the face."

At 04:01AM, NE#1 arrived on scene.

At 04:03AM medical aid was requested for an adult female, bleeding from her mouth.

At 06:36AM, NE#1 cleared the call. He categorized it as a Miscellaneous Incident Report (MIR), under the assault category, and indicated a report was written.

*b. General Offense Incident Report (GO Report)*

In the GO Report, NE#1 wrote:

NE#1 contacted the Complainant and saw her mouth bleeding. NE#1 called the Seattle Fire Department to look at her injuries. The Complainant said someone was on a sidewalk yelling and screaming. She said she feared they would assault someone near the Greyhound bus station, so she went to check. The Complainant said the suspect came around the corner and threw something at her, striking her face. NE#1 searched the area but did not find anything that looked like it could have caused her injuries.

NE#1 asked for the suspect's description, but the Complainant could not provide one. Based on the Complainant's cell phone call log, NE#1 concluded the incident occurred around 03:40AM near the bus loading area.

In a supplemental report, NE#1 wrote, on March 1, 2022, he was notified the Complainant wanted to speak regarding the incident. During their follow-up conversation, the Complainant described the subject as a white male in his thirties, about 5'5", athletic build, no facial hair, and an unknown hair color. The Complainant also identified cameras at the station she thought should be checked. An Axon Citizen Capture link was sent to the Complainant to upload her photographs.

*c. Case Investigation Report*

Witness Employee #1 (WE#1), a detective, was assigned to investigate the Complainant's assault allegations. His Case Investigation Report stated in summary:

On February 15, 2022, WE#1 was assigned for a follow-up investigation. WE#1 reviewed NE#1's report, supplementary information provided by the Complainant, and relevant criminal justice database information. The following day, WE#1 took the Complainant's recorded statement where she described the suspect's appearance and behavior prior to the assault. WE#1 asked the Complainant to email photos she took of the suspect. The Complainant agreed to provide the photos.



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On February 22, 2022, WE#1 visited the scene and reviewed the station's security footage. WE#1 wrote he did not observe the suspect on the security footage.

On February 24, 2022, WE#1 spoke to the Complainant about her described suspect not appearing on the security footage. The Complainant directed WE#1 to check other area cameras. She also stated the suspect carried and hit her with a stick.

On March 15, 2022, WE#1 further reviewed available evidence but was unable to find a suspect or witnesses. WE#1 received photos from the Complainant, but the photos were of the alleged suspect's backside. WE#1 wrote he had insufficient information to move the case forward and would suspend the investigation until new evidence was discovered.

*d. Body-Worn Video*

The entirety of NE#1's interaction with the Complainant was captured on BWV.

NE#1 arrived on scene and contacted the Complainant. NE#1 requested Seattle Fire Department to evaluate the Complainant. Next, NE#1 questioned her about the assault. NE#1 asked the Complainant what time she called 911, explaining it would help their security camera footage review. NE#1 also asked her for the suspect's description.

The Complainant suggested NE#1 question bystanders to determine if they were the suspect. NE#1 replied he could not "go out grabbing someone" without a description. While the Seattle Fire Department examined the Complainant, NE#1 and another officer searched the scene for an object consistent with the Complainant's injury. Neither officer found a notable object.

NE#1 told other officers the Complainant was '2-20', a term for a person in crisis. NE#1 believed the Complaint was in crisis because she asked about former Mayor Durkan's head of security and stated she refused to take a yellow cab because 'the Pakistanis are after her.'

NE#1 questioned the Complainant further about her lack of identification. The Complainant stated she was from South Africa and did not have one.

NE#1 never stated he is not required to wear a BWV device.

OPA reviewed the BWV of two backing officers. Neither video depict NE#1 photographing the Complainant.

*e. Complainant Interview*

OPA interviewed the Complainant. The Complainant stated that when NE#1 contacted her, he asked her to stay at his vehicle. The Complainant could not understand why. The Complainant stated she asked NE#1 if he had a body cam.



She stated NE#1 replied, “no, we don’t wear body cam.” The Complainant stated NE#1 later told her that he, “wasn’t the real police.” The Complainant stated she asked NE#1 to take a picture of her before she entered the ambulance, but NE#1 told her, “no don’t worry. We’ll take a picture.” She felt NE#1 was hiding something because he did not attach a photograph to the report. The Complainant stated NE#1 was unprofessional because he did not seem to listen to her statement.

### **ANALYSIS AND CONCLUSIONS:**

#### **Named Employee #1 – Allegation #1**

##### ***5.001 – Standards and Duties 10. Employees Shall Strive to be Professional***

The Complainant alleged NE#1 was unprofessional.

SPD employees must “strive to be professional.” SPD Policy 5.001-POL-10. Further, “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.*

Here, after reviewing NE#1’s interactions with the Complainant, OPA found no indication NE#1 said or did anything derogatory, contemptuous, or disrespectful. The Complainant claimed NE#1 stated he was not required to wear BWV. However, NE#1’s BWV was activated throughout his interactions with the Complainant. OPA’s BWV review found no such statement. Similarly, she said NE#1 claimed he was not a real police officer, but BWV did not capture that statement. Last, the Complainant alleged NE#1 was uninterested in evidence she thought was important to her case.

However, BWV captured NE#1 asking the Complainant several investigative questions. NE#1 was also captured searching the location for an object consistent with the Complainant’s injury. While the Complainant assessed more value to certain portions of her statement (such as the suspect breaking a window), NE#1 was apparently and reasonably focused on identifying the suspect and finding physical evidence (i.e. the involved weapon.)

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded (Expedited)

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

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

##### ***15.180 - Primary Investigations 15.180-POL 5. Officers Shall Document all Primary Investigations on a Report***

The Complainant alleged NE#1 photographed her injuries, but failed to include that photograph with the police report. The Complainant also alleged NE#1’s report misrepresented her description of the suspect.

Officers must document all primary investigations in a General Offense Report. SPD Policy 15.180-POL-5. Where victims refuse to cooperate, officers are required to document that fact in a report. *Id.*

Here, NE#1 completed a General Offense Incident Report the day of the incident (February 5, 2022.) On March 1, 2022, NE#1 supplemented the report with information from the Complainant’s attempts to follow-up on the case. NE#1 also sent the Complainant a link to upload photographic evidence. OPA’s review of NE#1’s report did not reveal



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apparent deficiencies or significant inaccuracies. OPA's BWV review did not show any on scene officer photographing the Complainant.

The Complainant alleged NE#1's report misrepresented her description of the suspect. However, when NE#1 questioned the Complainant on scene, she was unable to provide a description. Appropriately, NE#1's report reflected no description was provided.<sup>1</sup>

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded (Expedited)

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

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<sup>1</sup> Specifically, the Complainant alleged NE#1 inaccurately wrote the suspect "could have been a woman or something like that. It was a man walking past." A line in NE#1's report stated: "I asked for a description of the suspect but [Complainant] could not tell me if it was a man, woman, clothing description, or race." On scene, the Complainant and NE#1 consistently referred to the suspect as "he." However, the Complainant was unable to give any meaningful description of the suspect. Specifically, when NE#1 asked the Complainant, "What did the guy look like?" the Complainant responded, "...guy I think."