



CLOSED CASE SUMMARY

ISSUED DATE: DECEMBER 7, 2022

FROM: DIRECTOR GINO BETTS
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0179

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 1. Officers Shall Conduct a Thorough and Complete Search for Evidence	Not Sustained - Unfounded (Expedited)

Named Employee #2

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 1. Officers Shall Conduct a Thorough and Complete Search for Evidence	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:

The Complainant alleged Named Employee #1 (NE#1) and Named Employee #2 (NE#2)—an unknown employee—were unprofessional. The Complainant also alleged NE#1 and NE#2 failed to conduct a thorough and complete investigation.

ADMINISTRATIVE NOTE:

This case was designated an Expedited Investigation. That means OPA, with the Office of Inspector General's review and approval, believed it could reach and issue recommended findings based solely on its intake investigation without interviewing the involved employees.

SUMMARY OF INVESTIGATION:

On July 11, 2022, SPD officers responded to Harborview Medical Center (HMC) to investigate a sexual assault reported by the Complainant.



The Complainant alleged, during their investigation, NE#1 and NE#2 laughed and stated they could not determine whether the act was consensual. Additionally, the Complainant alleged NE#1 and NE#2 failed to thoroughly search for evidence or suspects, allowing the perpetrator to get away.

During its investigation, OPA reviewed the original web complaint, incident and supplemental reports, CAD records, and BWV. OPA also interviewed the Complainant. The incident was not captured on BWV because SPD policy prohibits recording in “sensitive areas” like medical facilities. See SPD Manual 16.090-POL-1(5)(d).

NE#1’s incident report stated he arrived at HMC to meet the Complainant. The Complainant reported unknown males sexually assaulted her on two separate occasions, the first on July 8, 2019 and the other July 10, 2019. NE#1’s report captured the Complainant’s description of the suspects, their body odor, and details about the acts. The time and location of the sexual assaults were also included. The report further noted how the Complainant met the suspects. NE#1’s report stated he gave the Complainant the incident number and his contact information.

On July 12, 2019, Witness Officer #1 (WO#1) was assigned as the follow-up officer. WO#1’s supplemental report documented several unsuccessful attempts to contact the Complainant for an interview. On July 23, 2019, HMC conducted a rape kit and logged it into evidence. The kit confirmed the Complainant was sexually assaulted.

Despite unsuccessful attempts to interview the Complainant, WO#1 continued to investigate. That investigation included compiling CAD records, detective notes, and medical records.

On June 23, 2022, OPA interviewed the Complainant. Her OPA account was largely consistent with the account captured in NE#1’s report. However, she provided different versions about how she met the first suspect and when she first arrived in Seattle. The Complainant told OPA officers interviewed her at “Evergreen Hospital,” laughed at her, and questioned whether the sexual assaults were “consensual.” However, she was unsure whether those officers were with SPD or the Woodinville (WA) Police Department. Several times, the Complainant told OPA she “hates the police” and does not like to work with them. She also claimed a mental disability, which made it difficult to remember details about the sexual assaults.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

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

The Complainant alleged NE#1 laughed at her and stated he had no way of knowing whether the act was consensual.

SPD employees must “strive to be professional.” SPD Policy 5.001-POL-10. Further, “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers” whether on or off duty. *Id.*

OPA reviewed incident and supplemental reports, CAD records, and the Complainant’s OPA interview. OPA did not find evidence to support the Complainant’s contentions. Moreover, during her OPA interview, the Complainant was unsure whether the incident involved SPD officers or Woodinville officers. Overall, where there is only the Complainant’s somewhat inconsistent and wholly unsubstantiated account, OPA finds the available evidence insufficient to prove the alleged misconduct more likely than not occurred.



Accordingly, OPA recommends this allegation be Not Sustained – Unfounded.

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

Named Employee #1 - Allegation #2

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

The Complainant alleged NE #1 failed to thoroughly search for evidence or suspects, which allowed the suspects to get away.

During primary investigations, officers must conduct a thorough and complete search for evidence. SPD Policy 15.180-POL-1. Further, officers must collect and photograph evidence. *Id.*

Here, OPA reviewed incident and supplemental reports, CAD records, and the Complainant's OPA interview. The incident and supplemental reports revealed NE#1 documented the Complainant's description of the suspects, their body odor, details of the acts, and the time and location of both sexual assaults. The reports further documented how the Complainant met both suspects. NE#1's report noted he gave the Complainant the incident number and his contact information. WO#1, the follow-up investigator, made several attempts to contact the Complainant for an interview. However, the Complainant did not respond. WO#1 compiled available information and submitted it to his chain of command. Additionally, HMC conducted a rape kit on the Complainant. The results of which were included in a follow up report.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded.

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

Named Employee #2 - Allegation #1

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

For the reasons set forth above at Named Employee #1 – Allegation #1, OPA recommends this allegation be Not Sustained – Unfounded.

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

Named Employee #2 - Allegation #2

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

For the reasons set forth above at Named Employee #1 – Allegation #2, OPA recommends this allegation be Not Sustained – Unfounded.

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