



## ***CLOSED CASE SUMMARY***

ISSUED DATE: DECEMBER 25, 2022

FROM: DIRECTOR GINO BETTS  
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0199

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

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

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties 5.001-POL 2. Employees Must Adhere to Laws, City Policy and Department Policy	Not Sustained - Unfounded (Expedited)
# 2	5.001 - Standards and Duties 5.001-POL 10. Employees Will Strive to be Professional	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) violated laws or policy and was unprofessional.

### **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 employee.

### **SUMMARY OF INVESTIGATION:**

The Complainant alleged, in June 2022, NE#1 stalked the Complainant by repeatedly driving past the Complainant's residence. The Complainant has also alleged NE#1 threatened to kill the Complainant's son.

During its investigation, OPA reviewed the voicemail complaint, CAD records, CAD GPS records, BWV, incident and supplemental reports, and the Complainant's prior behavioral crisis/incident reports. NE#1's response to this incident was recorded on BWV and CAD GPS.

On June 25, 2022, NE#1 responded to the Complainant's 911 call. Upon arrival, NE#1 spoke with the Complainant, who alleged "[B.C.]" has people stalk him. The Complainant indicated B.C. was a "witch" and has police working with her. The Complainant also stated an officer activated a police siren in front of his home 20 to 40 minutes prior to NE#1's arrival. OPA's review of CAD GPS records for the three hours preceding NE#1's arrival did not place NE#1 in front of the Complainant's home. NE#1 provided the Complainant a case number and departed.



In a June 28, 2022 voicemail, the Complainant alleged, over the past two or three weeks around 4:10 AM, NE#1 followed him to a bus stop near his residence and activated a siren. BWV and CAD records showed NE#1 worked between June 24 and June 27, 2022. A review of CAD GPS records did not show patrol vehicles at or around the Complainant's residence between 0330 and 0430 hours on those dates.

The Complainant also alleged NE#1 threatened to kill his son. BWV did not show NE#1 make threats. Previous incident and behavioral crisis reports indicate the Complainant made prior allegations of individuals threatening to kill him or his son.

#### **ANALYSIS AND CONCLUSIONS:**

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

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

The Complainant alleged NE#1 stalked him by repeatedly driving past the Complainant's residence and following him. The Complainant also alleged NE#1 threatened to kill the Complainant's son.

SPD Policy 5.001-POL-2 requires employees to adhere to laws, City policy, and Department policy. Generally, a person commits stalking if he or she intentionally and repeatedly harasses or repeatedly follows another person and the person being harassed or followed is placed in fear that the stalker intends to injure the person, another person, or property of the person or of another person and the stalker intends to frighten, intimidate, or harass the person. See RCW 9A.46.110.

During OPA's intake investigation, OPA reviewed BWV, GPS and CAD records pertaining to NE#1's interactions with the Complainant. OPA did not find evidence of NE#1's presence in the Complainant's neighborhood during the alleged timeframe. CAD GPS record did not reflect NE#1's presence or the presence of other SPD officers in front of the Complainant's residence during the alleged timeframe. Further, BWV did not show NE#1 make any threat to the Complainant or his son. Additionally, the Complainant previously made similar unsubstantiated allegations, as reflected in multiple behavioral crisis reports.

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

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

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

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

The Complainant alleged NE#1 was unprofessional by repeatedly driving past the Complainant's residence and following him. The Complainant also alleged NE#1 threatened to kill the Complainant's son.

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.*

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



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