



CLOSED CASE SUMMARY

ISSUED DATE: MARCH 10, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0291

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	15.180 - Primary Investigations 15.180-POL 5. Officers Shall Document all Primary Investigations on a Report.	Not Sustained - Unfounded (Expedited)
# 2	5.140 - Bias-Free Policing 5.140-POL 2. Officers Will Not Engage in Bias-Based Policing	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 that Named Employee #1 (NE#1) responded to a fight on July 1, 2022. The Complainant alleged NE#1 knew some of the people involved in the fight, Community Members #1-3 (CM#1-3), and was biased in their favor. The Complainant also alleged NE#1 failed to document the Complainant's bias allegation.

ADMINISTRATIVE NOTE:

This case was designated an Expedited Investigation. That means OPA, with the Office of Inspector General's review and agreement, believed it could reach and issue recommended findings based solely on its intake investigation without interviewing the involved employee. As such, OPA did not question the involved employee.

SUMMARY OF INVESTIGATION:

OPA reviewed the OPA complaint, Computer-Aided Dispatch data, an incident report, and body-worn video. However, the Complainant did not appear for a scheduled OPA interview or respond to OPA's requests to reschedule.

A. Computer-Aided Dispatch (CAD)

A CAD remark noted:

"4 OR 5 PEOPLE IN PHYSICAL FIGHT, NO [WEAPONS] SEEN."

B. Body-Worn Video (BWV)

BWV captured NE#1's interaction with CM#1, CM#2, and the Complainant. In summary, NE#1's BWV showed:



NE#1 and her partner, Witness Employee #1 (WE#1), arrived at the scene and contacted CM#1 and CM#2. CM#1 and CM#2 explained they drove into a parking lot when the Complainant's son ran into the roadway. CM#1 and CM#2 stated CM#1 slammed on the brakes, and they exited their vehicle and told the Complainant to pay closer attention to her son. CM#1 stated the Complainant threw a water bottle at CM#2, striking CM#2's abdomen. CM#2 said she was pregnant and showed NE#1 the water bottle.

CM#1 stated the Complainant pushed her and grabbed her throat. CM#1 said she punched the Complainant in self-defense. CM#2 stated she warned the Complainant to let CM#1 go, but the Complainant refused. CM#2 pepper-sprayed the Complainant. CM#2 denied spraying the Complainant's son. CM#1 stated the Complainant threatened to shoot or stab her, so she feared the Complainant had a weapon.

NE#1 and WE#1 contacted the Complainant in her apartment. The Complainant stated CM#1 and CM#2 beat her up but did not elaborate. The Complainant said after CM#2 pepper-sprayed her, CM#3 (CM#1 and CM#2's mother) threatened to return with a firearm. CM#3 left and returned to the scene, but the Complainant did not see a gun. The Complainant indicated her minor son was also pepper-sprayed. NE#1 spoke with the Complainant's son, who said he was fine and not pepper-sprayed. The Seattle Fire Department evaluated the Complainant. NE#1 also advised the Complainant to clean her face with baby shampoo and to avoid rubbing her eyes.

NE#1 contacted the Reporting Party (RP) by phone. The RP stated he saw the fight but did not see the events leading up to it.

C. Named Employee #1's General Offense (GO)/ Incident Reports

NE#1's incident report was consistent with BWV. NE#1 concluded there was no probable cause to arrest because there was no independent evidence to address what caused the fight. NE#1 also noted surveillance cameras that may have captured the incident but wrote she did not have the building management's contact information to review the footage at the time of her investigation.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

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

The Complainant alleged NE#1 failed to document her bias and retaliation concerns.

Officers must document all primary investigations on a General Offense (GO) report. See SPD Policy 15.180-POL-5. GO reports must be "complete, thorough, and accurate." *Id.*

Here, BWV did not capture NE#1 doing or saying anything to suggest familiarity with CM#1-3. Similarly, BWV did not capture the Complainant expressing bias or retaliation concerns to NE#1. Moreover, NE#1's incident report was consistent with the information NE#1 received at the scene. It accurately captured the Complainant's recollection of the fight as she reported it to NE#1.



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

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

Named Employee #1 - Allegation #2

5.140 - Bias-Free Policing 5.140-POL 2. Officers Will Not Engage in Bias-Based Policing

The Complainant alleged NE#1 knew CM#1-3 and was biased in their favor.

SPD policy prohibits biased policing, which it defines as “the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws as well other discernible personal characteristics of an individual.” SPD Policy 5.140-POL.

Here, there was no evidence NE#1 gave preferential treatment to CM#1-3. Further, despite the Complainant’s allegation that NE#1 admitted to familiarity with CM#1-3, BWV did not show NE#1 make that statement. It did show NE#1 behaving impartially and respectfully with all parties, including the Complainant and her minor son. NE#1’s report concluded, due to conflicting versions of events and a lack of independent corroborating evidence, there was no probable cause to arrest either side of the dispute.

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

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