



CLOSED CASE SUMMARY

ISSUED DATE: MARCH 22, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0314

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	15.410 - Domestic Violence Investigation 15.410-POL 3. Officers Will Make a Reasonable Effort to Protect the Victim and Arrest the suspect	Not Sustained - Unfounded (Expedited)
# 2	16.130 - Providing Medical Aid 16.130 - POL - 2 Officers Providing Medical Aid 1. Recognizing the Urgency of Providing Medical Aid	Not Sustained - Unfounded (Expedited)

Named Employee #2

Allegation(s):		Director's Findings
# 1	15.410 - Domestic Violence Investigation 15.410-POL 3. Officers Will Make a Reasonable Effort to Protect the Victim and Arrest the suspect	Not Sustained - Unfounded
# 2	16.130 - Providing Medical Aid 16.130 - POL - 2 Officers Providing Medical Aid 1. Recognizing the Urgency of Providing Medical Aid	Not Sustained - Unfounded

Named Employee #3

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties, 5.001-POL-11 Employees Will Be Truthful and Complete in All Communication	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.

ADMINISTRATIVE NOTE:

Allegations against Named Employee #1 (NE#1) and Named Employee #3 were designated Expedited Investigations. That means OPA, with the Office of Inspector General's (OIG) review and agreement, believed it could reach and issue recommended findings based solely on its intake investigation without interviewing the involved employees. As such, OPA did not interview the involved employees in this case. OIG also certified this investigation as thorough, timely, and objective.



EXECUTIVE SUMMARY:

The Complainant alleged NE#1 and Named Employee #2 (NE#2) improperly investigated a domestic violence (DV) call and failed to provide him with medical aid. The Complainant also alleged NE#3—an unknown SPD officer—lied about whether the Complainant would go to jail.

SUMMARY OF INVESTIGATION:

On September 6, 2022, the Complainant filed a claim for damages against the City of Seattle, alleging misconduct during SPD's response to the DV call. A copy of that filing was forwarded to OPA. OPA opened an investigation. During its investigation, OPA reviewed the claim for damages, Computer-Aided Dispatch data, incident report, body-worn video, and medical records. OPA also interviewed the Complainant and NE#2.

Computer-Aided Dispatch (CAD) data showed on January 28, 2022, at 3:27 PM, a 9-1-1 caller—Community Member #1/CM#1 (the Complainant's mother) — reported the Complainant was stabbed. The CAD remark noted:

*10 min ago, [reporting party's] friend's girlfriend stabbed him. Suspect last seen driving away.
Screening with fire. 9MM gun in the vehicle.*

CAD updates noted the stabbing happened in a car headed northbound on Interstate 5. Community Member #2 (CM#2), the Complainant's girlfriend, also called 9-1-1 to report stabbing the Complainant in self-defense. CM#2 said she took the Complainant to CM#1's house and relocated to await the Washington State Patrol. CM#2 also reported an extensive history of DV, including strangulation. CM#2 further admitted to having a gun in her purse. Other updates noted the Complainant refused to go to the hospital and that the Seattle Fire Department (SFD) was en route to offer medical aid. Witness Employee #1 (WE#1) updated with "superficial injury for the male." NE#2 ran the Complainant's name and learned he had active warrants: 1) assault, malicious mischief, a firearm charge, and telephone harassment (\$150,000 bail), and 2) escape (no bail)¹. Witness Employee #2 (WE#2) rode to jail in the AMR with the Complainant. A CAD update noted the jail medically declined the Complainant, and he was taken to a hospital. The call was cleared as a DV assault, noting arrest was mandatory.

WE#1 wrote the related incident report. The listed charges were harassment with a prior conviction (RCW 9A.46.020.2B) and DV reporting interference (SMC 12A.06.187). In summary, WE#1's report was generally consistent with CAD updates. Additionally, WE#1 noted the Complainant's assault warrant stemmed from a DV incident involving CM#2. WE#1 also noted the Complainant had several cautions in SPD's system that flagged him as previously indicating he wanted to be shot by police and was willing to shoot officers. WE#1 said he met the Complainant and saw a small laceration on the left side of his upper abdomen. WE#1 also noted SFD's arrival. The report also summarized SPD's interview with CM#2.

In summary, she stated she was in a car with the Complainant (she drove, and he was the front passenger). CM#2 said they argued about whether she would cheat on the Complainant. She said that argument escalated, and the Complainant made stabbing motions toward her with a nail file. CM#2 stated she was afraid due to their DV history, so she grabbed a knife from her door panel and swung it at the Complainant. CM#2 said she wanted to take the Complainant to a hospital, but he threatened to kill her if she took him to a hospital or called 9-1-1. She said she took

¹ The no bail warrant was unverified.



him to CM#1's home at the Complainant's request and called 9-1-1 immediately afterward. CM#2 consented to officers searching her car, where a knife handle, a nail file, and a gun were recovered.

Conversely, the Complainant told the officers he and CM#2 argued about her picking him up. He said CM#2 stabbed him "out of nowhere." The Complainant also told officers CM#2 would likely claim self-defense.

Witness Employee #3 (WE#3) wrote a statement. In summary, WE#3 wrote he met CM#2, crying and visibly upset, at the North Precinct. WE#3 wrote he saw a minor abrasion on CM#2's right wrist. WE#3 also wrote he determined CM#2 was issued a concealed pistol license for the recovered gun. Further, WE#3 noted:

Based off the interview and her injuries and position in her vehicle (driver), that she was a victim in the incident.

WE#3 also wrote NE#1 determined CM#2 was free to leave following the investigation, and her gun was returned.

Witness Employee #4's (WE#4), an acting sergeant, statement documented he learned the Complainant was the subject of an SPD bulletin for felony DV. WE#4 also wrote he participated in CM#2's interview, but Witness Employee #5 (WE#5) led it. In addition to CM#2's statement captured in WE#1's report, WE#4 wrote CM#2 said before the incident, the Complainant left the knife in her door panel. WE#4 also wrote CM#2 said the Complainant broke the knife after the stabbing, which was why only the handle remained. WE#4 also documented observing dusty scuffs on the passenger side dashboard, consistent with CM#2 account that the Complainant repeatedly kicked it while threatening her:

He stated things along the lines of 'I'm going to fuck you and everyone you know up.' [The Complainant] started kicking the front of the dashboard of the vehicle and taking the nail file he had in hand and ripping the passenger side door... [CM#2] stated she was in fear, so she grabbed a kitchen knife that was in the driver's side door of her vehicle, pulled it across her chest, and into [the Complainant's] chest. [CM#2] stated she did this because in the past when he has gotten verbally aggressive like this, he has punched her in the face or choked her out and she was afraid he was going to do that now. Since they were on the freeway, she knew if he hurt her, that would cause an accident and possibly her life.

Witness Employee #6's (WE#6) statement documented he collected evidence. Witness Employee #7 (WE#7) wrote he interviewed the Complainant about the incident. WE#7's documentation of the Complainant's account was consistent with WE#1's report. Additionally, WE#7 wrote the Complainant said after the stabbing, he broke the knife and directed CM#2 to take him to CM#1's home. WE#7 described the Complainant's injury as "what appeared to be a small incision on the left side of his chest. The incision was not bleeding, and SFD believed the knife had not penetrated very deep. [The Complainant] also showed me a large cut on his right hand from grabbing the knife. Both wounds were photographed using my department-issued cell phone and submitted to evidence.com. I also photographed the knife blade, which appeared to have a small amount of blood on it."

WE#7 further noted AMR arrived and put the Complainant on a gurney when he was told about his active warrants. WE#7 wrote while riding in the back of the AMR vehicle, the Complainant asked where they were taking him. WE#7 documented she told him to jail, and the Complainant got upset, unbuckled his seatbelts, and muscled his way out of soft restraints.



OPA reviewed the Complainant's related medical records. Those documents primarily involved the Complainant's follow-up visits. However, an admission note stated:

Patient states he was in a verbal argument when he reached for a nail file and his significant other stabbed him in the chest with a knife because she thought he was attacking her. Then grabbed knife with small laceration to [right] hand. He is complaining of chest and back pain. Hemodynamically normal in transport and on arrival in no respiratory distress.

SFD records noted the Complainant sustained a 3-centimeter wound over his sternum and a laceration on his right palm. Another SFD report estimated the sternum injury at ¼ inch long.

BWV was materially consistent with the police report and the officers' statements. Additionally, after observing the Complainant, WE#1 was captured stepping away to take a call. He described the Complainant's injury as a superficial cut and stated SFD said he could get stitches if he wanted them. WE#1 then discussed arresting the Complainant for active warrants. BWV showed SFD tell WE#7 they did not believe the Complainant needed hospital treatment and did not think the jail would medically decline him. BWV also showed SFD assisting the Complainant downstairs toward an AMR vehicle when the Complainant stumbled but was caught by SFD. NE#2 told the Complainant he was arrested for an active assault warrant.

The Complainant replied, "You guys wanna smoke something? Go ahead. The fuck is wrong with you? I got stabbed. You guys come out here like this is a hostage situation. I got stabbed. The fuck is wrong with you motherfuckers? What, cuz I got the history? I actually did good. I actually did good." Inside the AMR, WE#1 told the Complainant to not make the situation worse. The Complainant replied, "I can make it worse. I can like really get aggressive, like a motherfucker bro. This shit is stupid because you guys are making me look like the aggressor in the first place." BWV also captured the Complainant tell WE#7 CM#2 wanted to take him to the hospital after the stabbing "so she could say [the Complainant] attacked her."

OPA interviewed the Complainant. His account generally mirrored his claim for damages filing. Additionally, the Complainant stated SPD's description of his injury as superficial influenced how SFD treated him. He accused WE#7 of lying about taking him to a hospital when he was being transported to jail. The Complainant also stated officers neglected his medical needs because he is Black.

OPA interviewed NE#2, the sergeant who screened the Complainant's arrest. She stated before responding at the scene she was familiar with the Complainant and CM#2 from a prior 9-1-1 call. NE#2 said when she arrived, SFD was escorting the Complainant from CM#1's home. NE#2 found CM#2's described DV history with the Complainant consistent with prior 9-1-1 calls. NE#2 stated the Complainant was arrested for an active DV-related warrant. She also acknowledged the Complainant was found to be the primary aggressor for the incident on the day in question. NE#2 explained the primary aggressor is not also who struck first. Instead, the entire situation must be considered.



ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

15.410 - Domestic Violence Investigation 15.410-POL 3. Officers Will Make a Reasonable Effort to Protect the Victim and Arrest the [...]

The Complainant alleged NE#1 and NE#2 failed to protect him as a DV victim and arrest CM#2 as the offender.

When responding to a domestic violence incident, officers will determine whether the call is DV-related, conduct a primary investigation, determine whether an arrest is mandatory, and document appropriately. See SPD Policy 15.410-POL-3.

Here, officers interviewed the Complainant and CM#2. Both confirmed they were in a dating relationship, making the physical altercation DV-related. WE#1 was the primary officer, but collectively the primary investigation included recorded interviews with the involved parties, evidence collection, searching CM#2's car, and photographing injuries and evidence. Where policy requires thorough and complete evidence searches for primary investigations, the officers appeared to meet that standard. Moreover, as policy requires, the officers documented their involvement in separate written statements.

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

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

Named Employee #1 - Allegation #2

16.130 - Providing Medical Aid 16.130 - POL - 2 Officers Providing Medical Aid 1. Recognizing the Urgency of Providing Medical Aid [...]

The Complainant alleged NE#1 and NE#2 failed to provide him with medical aid for his stab wound.

Recognizing the urgency of providing medical aid and the importance of preserving human life, officers will request medical aid, if needed, as soon as reasonably possible. SPD Policy 16.130-POL-2(1). Officers will provide medical aid within their training until an EMT officer or qualified medical personnel takes over patient care. *Id.* However, a call for medical aid is not required for apparent injuries that can be treated by basic first aid (e.g., minor cuts and abrasions). *Id.*

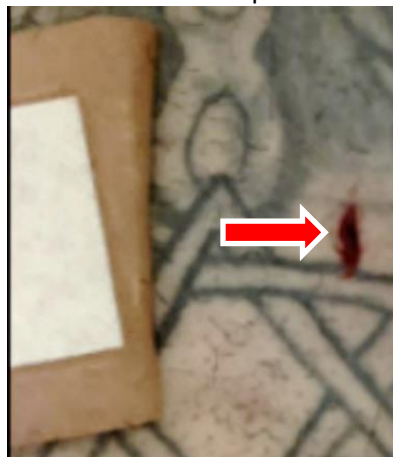
Here, the Complainant suffered what SFD and SPD described as a minor cut. One SFD record estimated it was 3 centimeters, and another estimated ¼ inch.



Covered by a Bandage



Closeup



SPD's visual assessment of the Complainant's stab wound did not suggest it was life-threatening or required more than basic first-aid treatment. SFD concurred with that assessment, where paramedics told SPD the Complainant did not require hospital treatment and could get stitches if he wanted them. While the Complainant was primarily concerned about the stab wound, his palm injury from grabbing the knife appeared more substantial.



Overall, categorizing both injuries as minor cuts was not unreasonable. Moreover, where officers were unrequired to request medical aid for minor cuts, they went beyond their duty by calling for SFD.

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

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



Named Employee #2 - Allegation #1

15.410 - Domestic Violence Investigation 15.410-POL 3. Officers Will Make a Reasonable Effort to Protect the Victim and Arrest the [...]

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

Recommended Finding: **Not Sustained - Unfounded**

Named Employee #2 - Allegation #2

16.130 - Providing Medical Aid 16.130 - POL - 2 Officers Providing Medical Aid 1. Recognizing the Urgency of Providing Medical Aid [...]

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

Recommended Finding: **Not Sustained - Unfounded**

Named Employee #3 - Allegation #1

5.001 – Standards and Duties, 5.001 – POL-11 Employees Will Be Truthful and Complete in All Communication

The Complainant alleged NE#3 lied about taking him to a hospital before taking him to jail.

Department employees must be truthful and complete in all communications. SPD Policy 5.001-POL-11. Further, under the Seattle Police Officers' Guild's collective bargaining agreement (SPOG CBA), a sustained complaint involving dishonesty during an officer's official duties carries a "presumption of termination." SPOG CBA, at § 3.1. For termination cases where the allegation is stigmatizing to a law enforcement officer, the standard of review is elevated (i.e., more than a preponderance of the evidence). *Id.*

Here, OPA found no evidence officers lied to the Complainant. The evidence showed after SFD indicated the Complainant did not require hospitalization and the officers learned about his active warrants, the plan shifted to take him to jail.

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

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