



## ***CLOSED CASE SUMMARY***

ISSUED DATE: APRIL 22, 2023

FROM: DIRECTOR GINO BETTS   
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0358

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

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

Allegation(s):		Director's Findings
# 1	11.020 – Transportation of Detainees POL-1. Employees Will take Reasonable Steps to Ensure the Safety of a Detainee in Their Custody and for the Safekeeping of the Detainee's Property	Not Sustained - Unfounded (Expedited)

#### **Named Employee #2**

Allegation(s):		Director's Findings
# 1	11.020 – Transportation of Detainees POL-1. Employees Will take Reasonable Steps to Ensure the Safety of a Detainee in Their Custody and for the Safekeeping of the Detainee's Property	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:**

This case was designated an Expedited Investigation. 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 named employees in this case. OIG also certified this investigation as thorough, timely, and objective.

### **EXECUTIVE SUMMARY:**

The Complainant alleged the named employees arrested and released Community Member #1 (CM#1)—the Complainant's son—without his property. Specifically, the Complainant suggested the named employees kept CM#1's wallet, containing his identification and bank card. The Complainant further alleged about \$600 in unapproved charges were later made with his bank card.

### **SUMMARY OF INVESTIGATION:**

On October 3, 2022, at 10: 33 PM, CM#1 called 9-1-1 to report an altercation with "a high/intoxicated male." The 9-1-1 call taker noted:



*Remarks: HIGH/[INTOXICATED] MALE OUTSIDE YELLING AT [CM#1,] NO [WEAPONS] SEEN. [CM#1] NOW ARGUING AND ANTAGONIZING SUSPECT*

Officers responded and arrested CM#1. CM#1 was transported to the King County Jail but was medically declined. On October 4<sup>th</sup>, around 12:24 AM, Named Employee #2 (NE#2) transported and released CM#1 at Hospital #1. At 3:29 AM, Witness Employee #1 (WE#1) encountered CM#1, trying to locate 1800 South Jackson Street. At 3:32 AM, WE#1 cleared the call noting assistance was rendered.

NE#2 wrote an incident report about his encounter with CM#1. NE#2 described CM#1 as intoxicated. He noted CM#1 reported a physical altercation “but did not know what had happened.” NE#2 documented that CM#1 declined medical aid. NE#2 also documented eyewitnesses described CM#1 as the aggressor, saying he took the other subject to the ground and dragged him across the street. CM#1 was arrested for ASSAULT 4 RCW 9A.36.041. CM#1 was searched incident to his arrest and transported to the East Precinct. After that, CM#1 was transported to the King County Jail, where he was refused admission, then to released at Hospital #1.

BWV captured CM#1’s arrest. It showed NE#2 handcuffing and escorting CM#1 to the front of a cruiser, where NE#1 searched CM#1. NE#1 removed CM#1’s wallet from his back pocket and put it on the cruiser’s hood. Community Member #2 (CM#2)—CM#1’s sister—was present for the search.

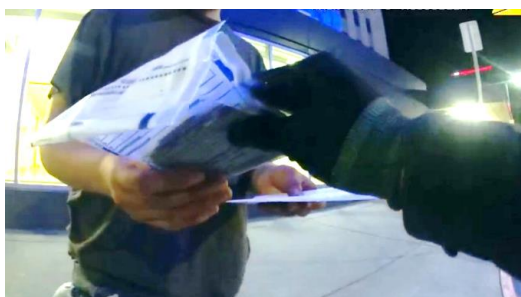


NE#1 asked CM#2 whether CM#1 had a phone. CM#2 said yes. NE#1 suggested CM#2 call CM#1’s phone to locate it: “I have his wallet. I want to make sure he has his phone too. That way, as soon as he gets out, he can call you guys.” NE#1 also spoke to the Complainant over the phone: “He has his wallet with him. I’m trying to see if I can get his phone so that way so he can call someone to pick him up as soon as he’s out.” CM#1’s phone was not found at the scene, so the Complainant asked NE#1 to write her phone number down so CM#1 would have it to call her from jail. BWV showed NE#1 writing the number down on paper and putting it inside CM#1’s wallet.

<sup>1</sup> The red arrow points to CM#1’s wallet.



After the jail declined CM#1 and he was released at Hospital #1, BWV showed NE#1 hand him some paperwork, his wallet, and a business card.



**ANALYSIS AND CONCLUSIONS:**

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

***11.020 Transportation of Detainees POL-1. Employees Will take Reasonable Steps to Ensure the Safety of a Detainee in Their Custody and for the Safekeeping of the Detainee's Property***

The Complainant alleged the named employees failed to safeguard CM#1's wallet.

Here, BWV demonstrably disproved the Complainant's accusation. Everything from NE#1's retrieval of CM#1's wallet, his putting the Complainant's phone number in it, and his returning it was captured on BWV. The evidence suggests, due to his intoxicated state, CM#1 more likely than not misplaced his wallet.

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

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

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

***11.020 Transportation of Detainees POL-1. Employees Will take Reasonable Steps to Ensure the Safety of a Detainee in Their Custody and for the Safekeeping of the Detainee's Property***

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



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