



CLOSED CASE SUMMARY

ISSUED DATE: SEPTEMBER 20, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2023OPA-0033

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.100 - Operations Bureau Individual Responsibilities I. Patrol Officers A. Responsibilities 2. Monitor and take appropriate action regarding criminal activity in the assigned area	Sustained
# 2	5.001 Standards and Duties 5. Employees Complete Work in a Timely Manner	Allegation Removed
# 3	5.001 - Standards and Duties 10. Employees Shall Strive to be Professional.	Sustained

Imposed Discipline

Written Reprimand

Named Employee #2

Allegation(s):		Director's Findings
# 1	5.100 - Operations Bureau Individual Responsibilities I. Patrol Officers A. Responsibilities 2. Monitor and take appropriate action regarding criminal activity in the assigned area	Sustained
# 2	5.001 Standards and Duties 5. Employees Complete Work in a Timely Manner	Allegation Removed
# 3	5.001 - Standards and Duties 10. Employees Shall Strive to be Professional.	Sustained

Imposed Discipline

Written Reprimand

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:

It was alleged that Named Employee #1 (NE#1) and Named Employee #2 (NE#2) failed to immediately respond to Community Member #1's (CM#1) auto theft call.



ADMINISTRATIVE NOTE:

On August 23, 2023, the Office of Inspector General (OIG) certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

OPA received an anonymous complaint about SPD officers failing to respond promptly to CM#1's auto theft call. CAD records showed CM#1's call was made on January 16, 2023, at 5:51 P.M. CAD remarks noted:

[INVESTIGATION] AUTO THEFT, [OCCURRED] ON [JANUARY 10, 2023, AT 5:00 A.M.], [POSSIBLE SUSPECT INFORMATION], NO WEAPONS, [NEGATIVE] TOPS/TOWS, NO GPS TRACKING.... CALL [REPORTING PARTY] ON ARRIVAL

Updates provided the stolen car's description and the registered owner's information. NE#1 AND NE#2 were assigned the call. At 8:28 P.M., the named employees radioed that they were en route. At 9:00 P.M., the caller contacted 9-1-1 again to inquire about the delay. At 9:04 P.M., the caller called again to check the officers' status, noting that she needed to leave soon. At 9:06 P.M., the caller canceled the request and said she would call another time. After that, the named employees logged themselves as "in-service."

OPA interviewed the named employees.

NE#1 told OPA he was partnered with NE#2 on the night in question. NE#1 said they parked at School#1 to finish paperwork for another call. NE#1 said Witness Officer #1 (WO#1) and Witness Officer #2 (WO#2) separately stopped by, and they conversed about changes at their precinct. During their conversation with WO#1, he said O#1, a dispatcher cleared CM#1's call. NE#1 knew CM#1's call was "holding for six days." He said the call was canceled before they contacted the caller. NE#1 did not recall whether he or NE#2 suggested parking at School#1 to finish paperwork. NE#1 did not remember whether they were dispatched to a call near School#1 but described it as a low-traffic area where some officers go to work without distraction.

Similarly, NE#1 did not recall whether meeting WO#1 and WO#2 at School#1 was arranged or coincidental. Moreover, NE#1 did not recall why they were stationary over 30 minutes after indicating they were en route to CM#1's call. He presumed they were "finishing up a report" or "trying to catch up on paper." NE#1 acknowledged that he and NE#2 could have addressed CM#1's call before working on paperwork. OPA asked, "What's your response to those who would say that it appears that you and [NE#2] blew off the auto theft call to socialize with the other officers?" NE#1 replied, "My response would be just not recalling everything that was going on, but just looking at the call reports or the calls that we went to, trying to catch up on paperwork, document, everything like that, having us being dispatched doesn't show what we were actually researching in the car, you know, if we were researching, trying to do pre-investigation. So, the timeframe from that could be conceived as blowing off a call."

Further, NE#1 suggested that since CM#1's car was stolen six days prior, an immediate response was unnecessary:



She's known about it. It's not a priority.... I think if it was, like, in progress, the car was being actively stolen, it would change not just our response but additional resources to go to this call. But six days? I was not aware that she called in on the 10th to report it, and, like, officers didn't, for some reason, go over there. But the -- if it was in-progress and the priority was higher, the response would be different.

However, in hindsight, NE#1 said they should have gone to the call.

NE#2 told OPA that, earlier on the night in question, officers learned about a schedule change.¹ Before starting their shift, NE#2 said they "chatted with [WO#1] about, kind of, how things were going to change." The group agreed to "touch base later" about their shared concern. During their shift, NE#2 said WO#1 messaged the named employees to meet at School#1 to finish their discussion. They agreed and relocated to School#1. NE#2 said:

We both agreed...just due to the fact that...earlier, the conversation that we were having about the four tens were like, 'yeah, let's go...maybe we need to vent.' You know, oftentimes, we only get to vent to each other or talk about the dynamic of the job with each other, being that we're the only ones that really understand that. So, we just decided, 'Hey, let's chit chat' in case [WO#1] has to get something...you know, off his chest or we have to...unload on something.

NE#2 said he typed on his mobile data terminal (MDT) as NE#1 and WO#1 conversed. He said, at some point, a dispatcher canceled CM#1's call. NE#2 could not recall what he was working on then but said he was "clearing up some paperwork or [working on] something to do with the report." He said WO#2 "just drove by and saw us there and joined for a little while after that." NE#2 said he and NE#1 left School#1 at 9:27 P.M. Later in the interview, NE#2 suggested that they did not immediately respond to CM#1's call because they wanted to be available for higher priority calls. He said they ultimately accepted the call to prevent it from being cross-dispatched. NE#2 said that suggesting they blew off the call was a mischaracterization since the department was understaffed and they had significant paperwork to complete.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.100 - Operations Bureau Individual Responsibilities 1. Patrol Officers A. Responsibilities 2. Monitor and take appropriate action regarding criminal activity in the assigned area

SPD Policy 5.100(I)(A) outlines performance standards for patrol officers: "Monitor and take appropriate action regarding criminal activity in the assigned area;" "Maintain close contact with the community;" "Display...necessary interpersonal skills...;" "Demonstrate consistent work habits which reflect a high standard of performance and initiative;" and "Remain professional at all times."

The Complainant alleged that the named employees failed to take appropriate action for her auto theft call.

¹ Patrol officers were scheduled to switch to four/ten shifts.



Here, the named employees accepted CM#1's call at 8:28 P.M., noting they were en route. At 9:00 P.M. and 9:04 P.M., CM#1 called back to check their status and explain that she had limited time to await officers. Two minutes later, CM#1 canceled the request.

Instead of immediately responding to CM#1's call, initially placed at 5:51 P.M., the named employees spent over 30 minutes at School#1 discussing a scheduling change with other officers. While CM#1's call did not involve an in-progress violent offense, she awaited assistance for over three hours. The named employees had no justifiable reason to keep her waiting. Since CM#1 lived outside Seattle and officers must do field investigations for stolen car reports, CM#1 did not get a written report taken until January 22nd, twelve days after she reported her car stolen. As the Complainant noted, "The delay that occurred by failing to take the report...had a ripple effect. The Communications Section wasn't able to forward information to the data center, and the data center wasn't able to enter the vehicle in WACIC/NCIC as stolen...(and) delays in reporting a stolen vehicle creates a public safety risk."

Accordingly, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**

Named Employee #1 - Allegation #2

5.001 Standards and Duties 5. Employees Complete Work in a Timely Manner

SPD employees are required to complete work in a timely manner. SPD Policy 5.001-POL-5. "Absent exigent circumstances or supervisory approval, employees will complete all required duties and official reports before going off duty." *Id.*

The Complainant alleged that the named employees failed to respond to her auto theft call timely.

As the named employees' alleged misconduct does not involve failing to complete duties or reports before the shift ended, OPA removed the allegation.

Recommended Finding: **Allegation Removed**

Named Employee #1 - Allegation #3

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

The Complainant alleged that the named employees' failure to respond to CM#1's call immediately was unprofessional.

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 at Named Employee #1 – Allegation #1, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**



Named Employee #2 - Allegation #1

5.100 - Operations Bureau Individual Responsibilities 1. Patrol Officers A. Responsibilities 2. Monitor and take appropriate action regarding criminal activity in the assigned area

For the reasons at Named Employee #1 – Allegation #1, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**

Named Employee #2 - Allegation #2

5.001 Standards and Duties 5. Employees Complete Work in a Timely Manner

For the reason at Named Employee #1 – Allegation #2, OPA recommends this allegation be removed.

Recommended Finding: **Allegation Removed**

Named Employee #2 - Allegation #3

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

For the reasons at Named Employee #1 – Allegation #3, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**