




## ***CLOSED CASE SUMMARY***

ISSUED DATE: JULY 30, 2023

FROM: DIRECTOR GINO BETTS, JR.   
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2023OPA-0077

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

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

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 - Inconclusive
# 2	15.180, Primary Investigations, 15.180-POL-5 Officers Shall Document all Primary Investigations on a Report	Sustained
# 3	SPD Policy 15.190 - Auto Theft and Recover - TSK -1 Officer Documenting a Stolen Vehicle	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:**

The Complainant submitted a public records request for materials from his auto theft 9-1-1 call. The Complainant alleged that the named employee's (NE) report falsely claimed he interviewed the Complainant in person and physically gave him a business card with the case information.

### **ADMINISTRATIVE NOTE:**

On June 2, 2023, the Office of Inspector General (OIG) certified OPA's investigation as thorough, timely, and objective.

### **SUMMARY OF INVESTIGATION:**

On October 8, 2022, less than 20 minutes apart, NE was dispatched to two distinct auto theft calls, one involving the Complainant and the other Community Member #1 (CM#1). NE wrote incident reports for both.

#### **A. Incident reports**

#### **2022-269854**

NE wrote an incident report stating that on October 8, 2022, he was dispatched to an auto theft call at 1818 Westlake Avenue N. The computer-aided dispatch (CAD) remarks noted:



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*"[INVOLVED] THEFT OF [VEHICLE], [OCCURRED] [BETWEEN] 10/7 [11:00 PM] - 10/8 [7:15 AM]. NO [SUSPECT/EVIDENCE]. [NEGATIVE] TOPS/TOWS. NO [WEAPONS]/TRACKING. YES TO IMPOUND. [REQUEST] CALL ON ARRIVAL."*

NE's incident report stated that he arrived at the incident location, interviewed the Complainant, and left him with a business card with NE's name, serial number, and case number.

CAD updates showed the following:

- 7:22 AM: The Complainant—the reported auto theft victim—called 9-1-1
- 2:09 PM: NE and Witness Employee #1 (WE#1) "arrived," presumably at the incident location. They listed themselves as "in service," putting the Complainant's call on hold and then self-dispatched to the call.
- 2:11 PM: A dispatcher contacted the Complainant to report a service delay.
- 2:14 PM: NE and WE#1 cleared the call again, putting the Complainant's call on hold and listing themselves as available for other calls.
- 4:53 PM: A dispatcher contacted the Complainant to report a service delay.
- 5:21 PM: NE and WE#1 self-dispatched to the call.
- 5:30 PM: NE and WE#1 verified the Complainant's car was stolen and then listed themselves as "in service"—available for other calls.
- 6:02 PM: NE and WE#1 cleared the call and coded it as an auto theft with a report written but no arrest.

#### 2022-270179

NE wrote an incident report stating that on October 8, 2022, he was dispatched to an auto theft call at 1800 Westlake Avenue N. The computer-aided dispatch (CAD) remarks noted:

*"[INVOLVED] AUTO THEFT, [OCCURRED] 10/7 0900 - 10/8 [1200 PM] - NO [SUSPECT INFORMATION] - NO [WEAPONS], NO [NARCOTICS], [NEGATIVE] TOPS/TOWS/LINC, IMPOUND/NO, SEARCH/YES."*

NE's incident report stated that he arrived at the incident location, interviewed CM#1—another reported auto theft victim—and left him with a business card with NE's name, serial number, and case number.

CAD updates showed the following:

- 2:54 PM: CM#1 called 9-1-1.
- 5:30 PM: NE and WE#1 "arrived," presumably at the incident location.
- 6:16 PM: NE and WE#1 verified CM#1's car was stolen and then listed themselves as in-service.

#### B. Global Positioning System (GPS) Records

OPA reviewed GPS records from October 8, 2022, from 5:00 PM to 6:05 PM. Those records showed NE and WE#1 handled a call near Mercer Street and Terry Avenue North unrelated to the Complainant or CM#1, from 5:00 PM to 5:21 PM.



They cleared that call and re-logged to the Complainant's call while driving near the West Precinct. At 5:30 PM, they parked near "Urban Triangle Park" until 5:52 PM. NE and WE#1 drove near the West Precinct until 6:05 PM. GPS data also showed NE and WE#1's patrol cruiser did not respond to the Complainant or CM#1's incident location between 7:20 AM and 6:40 PM.

#### C. Body-Worn Video (BWV)

There was no BWV for the Complainant's call. However, BWV for CM#1's call showed NE inside a patrol car parked in what appears to be a garage, speaking on a cell phone. NE indicated that CM#1 was on the receiving end. NE elicited information about CM#1's auto theft. CM#1's said that another car was stolen on his block. NE replied that he had just spoken with that victim, apparently the Complainant. NE gave CM#1 the case number before ending the call.

#### D. OPA Interviews

On February 28, 2023, OPA interviewed the Complainant. The Complainant told OPA he reported his car stolen around 7:30 AM, and the only police response he received was NE's phone call that evening, which frustrated him. The

<sup>1</sup> The Complainant and CM#1's calls were on-hold while NE and WE#1 handled the call at Mercer Street and Terry Avenue N.



Complainant said he was further frustrated after reading NE's report, indicating he interviewed the Complainant in person and gave him a business card. He said he learned three days later that his car was in a tow yard, accumulating \$700 in storage fees. The Complainant believed NE never "reported [his] car stolen<sup>2</sup>" and was skeptical about the absence of BWV.

OPA interviewed WE#1, who said he had "no independent recollection" about either auto theft call. WE#1 also had trouble recalling the day in question since he did not typically partner with NE. However, WE#1 told OPA, "Typically, I'll respond to the scene" for auto theft calls. At the scene, WE#1 said he would gather information like when and how the vehicle was stolen and whether the offender left evidence behind. WE#1 also said he would leave the victim with a business card. WE#1 said that whenever he conducted investigations over the phone, he would explain to the reporting party why he was not there in person, ask whether they were okay with a phone interview, and note it in his report.

OPA interviewed NE, who acknowledged that he wrote reports for both auto theft calls. NE said the Complainant's car was stolen within the North Precinct's boundaries, but he lived within the West Precinct: "At that point, it's not like there's a scene I can go to unless I just told him 'Oh, you gotta call North and have them go out and do it. But, instead, I'd rather just get it taken care of and get his stuff entered in.'" NE suggested that whether he appeared in person, rather than calling the victim, depended on variables like whether violence was used, his call load, and how long the reporting party was waiting for service. NE told OPA that both reports inaccurately indicated he appeared in person and left business cards because he failed to edit the template he used for auto theft calls. NE said he used the template because "a lot of auto theft calls are very similar" and "it just speeds up the process..." Both reports also inaccurately reflected that the in-car video was activated, to which NE replied, "I think the [in-car video] box was just accidentally checked [on the CM#1's report]. [It's] just something that always happens. Um, and then for the first one, yeah, that...that was inaccurate." NE acknowledged that SPD policy requires officers to conduct a field investigation for stolen vehicles but said, "I mean, I don't know [whether the department has] a definition for 'field.'" NE also acknowledged that policy requires officers to give the reporting party a business card but said, "Giving them a case number, name, and badge number is the same effect as giving them a business card."

### **ANALYSIS AND CONCLUSIONS:**

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

##### ***5.001 - Standards and Duties 5.001-POL 11. Employees Will Be Truthful and Complete in All Communication***

The Complainant alleged that NE's report untruthfully indicated he conducted an in-person investigation and gave him a business card.

Employees must be truthful and complete in all communications. SPD Policy 5.001-POL-11. The Seattle Police Officers' Guild's collective bargaining agreement (SPOG CBA) notes that a sustained complaint involving dishonesty during an officer's official duties carries a "presumption of termination." SPOG CBA, at § 3.1. Therefore, 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.*

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<sup>2</sup> OPA's review of the General Investigations Unit's summary report found that the Complainant's car was located outside Seattle and towed after being found parked in someone's spot before NE's report was written.



Here, NE attributed untruthful claims in his reports to failing to edit a template with pre-existing details for auto theft investigations. Specifically, NE suggested that the template standardly indicated that BWV was activated, that he went to the incident location, and provided the reporting party with a business card. NE told OPA he used a template since auto theft calls were typically similar. However, he also listed various factors he weighed to decide whether to respond in person—suggesting each call was unique. Moreover, NE updated CAD to suggest he “arrived” at both incident locations. However, NE told OPA that even though he conducted over-the-phone investigations, updating CAD as “arrived” was the only option for indicating he handled the calls—due to the system’s limitations. Overall, there is insufficient evidence that NE was intentionally deceitful rather than careless—particularly when the burden of proof is elevated.

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

Recommended Finding: **Not Sustained - Inconclusive**

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

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

The Complainant alleged that NE’s auto theft report was inaccurate.

Officers must document all primary investigations on a report. Reports must be complete, thorough, and accurate. See SPD Policy 15.180 POL 5.

Here, NE admitted that his reports inaccurately indicated that his BWV was activated during his contact with the Complainant, the in-car video was activated during both investigations, he appeared at both incident locations, and gave the Complainant and CM#1 business cards. Unlike the allegation above, there is no elevated burden of proof or element of intent here. Without a doubt, NE’s reports were inaccurate. They were also arguably incomplete and unthorough, where he failed to respond to the incident locations to search for evidence, as discussed below.

Accordingly, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**

**Named Employee #1 - Allegation #3**

***SPD Policy 15.190 - Auto Theft and Recover - TSK -1 Officer Documenting a Stolen Vehicle***

The Complainant alleged that NE conducted an inadequate auto theft investigation.

After conducting a **field investigation** concerning the facts of the stolen vehicle report, the investigating officers must discuss impound options with the reporting party, determine whether they consent to a vehicle search upon recovery, advise a dispatcher that the officer has a “verified stolen” and whether the complainant wants it impounded upon recovery, give the complainant a business card and case number, and write a report using the same case number [emphasis added]. SPD Policy 15.190-TSK-1.

Here, NE told OPA that the department’s policy was unclear regarding whether he was expected to physically respond to auto theft calls. However, several aspects of the related policy clarify that an in-person response is expected.



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Specifically, SPD Policy 15.190-POL-5 explicitly requires officers to complete a report documenting the **on-scene investigation** of a stolen car. SPD Policy 15.190-TSK-1 requires a “field investigation” and providing a business card, neither of which can be done over the phone. NE admitted, and GPS data confirmed, that he never went to either incident location. Per the CAD report, the Complainant waited about ten hours for a police response to his stolen car, and rather than the service outlined in SPD Policy 15.190, he only got a phone call from NE.

Accordingly, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**