




CLOSED CASE SUMMARY

ISSUED DATE: SEPTEMBER 24, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2023OPA-0137

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.001-POL 6. Employees May Use Discretion	Not Sustained - Unfounded

Named Employee #2

Allegation(s):		Director’s Findings
# 1	5.001-POL 6. Employees May Use Discretion	Not Sustained - Unfounded

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 the named employees used unreasonable discretion by not doing more to enter a “lockout” building to investigate a domestic violence (DV) 9-1-1 call.

ADMINISTRATIVE NOTE:

On August 10, 2023, the Office of Inspector General certified OPA’s investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

An anonymous Complainant filed an OPA complaint on March 28, 2023. The Complainant alleged that Named Employee #1 (NE#1), Named Employee #2 (NE#2), and Witness Officer #1 (WO#1) responded to a DV call from a nine-year-old reporting “his mom and her boyfriend were arguing,” and that the boyfriend “pushed” the mother. The Complainant alleged that the call taker heard “yelling/disturbance.” The officers responded to where the phone was “mapping”¹ (Location #1). The Complainant wrote that the call taker found the involved parties' names and an address (Location #2). The Complainant also wrote that the call taker “advised that the male half had warrants.” The Complainant wrote that the mother “took the phone from [the nine-year-old caller] and disconnected the line.” The Complainant alleged that the officers went to Location #2 but left after learning it “was a lockout building” and “got

¹ 9-1-1 dispatchers can geolocate cell phone calls for the caller’s approximate location.



no answer” when they called the unit.² The Complainant alleged that the officers “MIR’d the call and left.”³ The Complainant wrote that the officers noted that “dispatch attempted to call back,” but the Complainant was skeptical. The Complainant said the officers should have done more to enter the building, including (1) contacting the Seattle Fire Department, (2) radioing for the building’s point of contact, and (3) radioing for the contact information for other building residents.

OPA opened an investigation, reviewing the OPA complaint, computer-aided dispatch (CAD) call report, incident report, 9-1-1 call and South dispatch audio, body-worn video (BWV), and in-car video (ICV). OPA also interviewed the named employees.

a. CAD Call Report

The CAD call report showed a 9-1-1 call was made around 7:51 a.m. The call remarks noted the location was provided by “rapid SOS,” the caller’s mom and boyfriend were arguing, no weapons were involved, and the nine-year-old caller was unsure of their address. The call taker noted hearing the argument, and the caller said the boyfriend “shoved” the mom.

NE#1 and NE#2 were dispatched to the call. WO#1 was sent as a secondary unit. It was a “Priority 1” call, SPD’s highest priority, around 7:52 a.m. for Location #1. Around 7:54 a.m., dispatch updated that the address may be a location down the street. Moments later, dispatch updated that Location #2, about a quarter mile from Location #1, was associated with the caller’s phone number.

Around 7:54 a.m., the call taker noted hearing “mom in background asking who [the 9-1-1 caller] was calling, when told calling 911, she [disconnected] the line.” The call taker noted they called back, but there was no answer.

NE#1 and NE#2 arrived at Location #1 around 7:59 a.m. The named employees’ unit ran license plates for two vehicles. NE#1 and NE#2 appeared to arrive at Location #2 around 8:05 a.m. Around 8:15 a.m., the named employees noted that the building was a “lockout,” no one answered a callbox or the listed cell phone number calls, and no one answered the dispatcher’s callbacks.

b. Incident Report

NE#2 wrote an incident report on April 1, 2023.⁴ NE#2 documented receiving the call and the update that the mom disconnected the call.

² A “lockout” building refers to a multiunit building that requires a key or key fob to enter an exterior door, then a separate key to enter an individual unit. Additional keys may be required to enter other areas of the building, such as different floors or rooms.

³ An “MIR” is a “Miscellaneous Incident Report” number. It is a disposition code used to track incident types and actions taken. Primary investigations require an MIR and disposition. See SPD Manual 15.180-POL-10. See also SPD Policy 12.010-POL-4(3) (“Officers Will Use Final Type (MIR) Codes to Clear Calls for Service”).

⁴ OPA notes that the complaint was filed March 28, 2023. NE#1 and NE#2 received their notice of receipt of complaint (commonly called a “five-day notice”) on March 30, 2023. Accordingly, NE#2 would have had notice of the complaint when he wrote the incident report. That was not a policy violation, but OPA notes it to the extent that it affects the weight of the evidence.



NE#2 wrote that he and NE#1 arrived at Location #1 and “did [not] observe or hear any disturbance at this location.” NE#2 wrote that he ran the license plates of cars parked near the address but did not find one associated with the parties.

NE#2 wrote that the dispatcher noted no one answered their callback.

NE#2 wrote that he and NE#1 relocated to Location #2, a “lockout [building] with no employees at the site.” NE#2 wrote they could not enter it without a key fob, and each floor required a unique fob. NE#2 stated they called the unit number but got no answer. NE#2 wrote that he searched the callbox names for anyone associated with the parties but found no one.

NE#2 wrote that he called back twice more but got no answer.

NE#2 concluded: “There were no further updates on the call, and we were unable to locate [any] of the possible involved subjects and did not hear or see any disturbance in the mapping area.”

c. 9-1-1 Call and South Dispatch Audio

OPA reviewed South dispatch radio records and 9-1-1 audio recordings.

The dispatcher noted, “...our caller is nine years old, says their mom and boyfriend are arguing and that the boyfriend has shoved the mom. Still arguing in the background, still screening the call...” An update noted, “It looks like the mother became aware the child was calling and disconnected the line. They’re not answering callbacks...” The named employees radioed that they were near the incident location. The dispatcher searched SPD’s records management system and provided the parties’ possible identities, including an address and unit number. The dispatcher also noted two unverified misdemeanor warrants.

In the initial 9-1-1 call, the caller provided his name and reported that his mother and boyfriend were arguing “over territory downstairs and top stairs.” The caller provided their first name but did not remember his address. The caller estimated the boyfriend’s age. He also reported that there were no weapons, drugs, or alcohol involved, and the boyfriend “shoved” his mother. The dispatcher noted yelling in the background. During the call, a voice, the dispatcher presumed was the mom, asked, “Who you talking to?” The caller responded, “9-1-1.” The mom replied, “What?” and “No one told you to call 9-1-1.” The caller responded, “Sorry,” and the line disconnected.

Three other 9-1-1 recordings captured the dispatcher's unsuccessful callbacks.

d. BWV and ICV

OPA reviewed the named employees’ BWV and ICV.



NE#1's BWV was about three minutes and forty-five seconds, and NE#2's was about four minutes. They activated BWV at Location #2. The directory noted "LEASING OFFICE – 001 CALL." NE#2 called the unit on a callbox but received an automated message. At NE#1's suggestion, NE#2 scrolled the directory for the parties' names. The officers discussed trying different building entrances but decided against it. NE#1 said, "I guess we can try calling her number again?" As the named employees walked back to their vehicle, WO#1 stood nearby. NE#1 said that neither party was listed on the directory. BWV then ended.

ICV audio recorded officers saying, "No answer," and what sounded like, "It's clear she doesn't want [inaudible]."

e. OPA Interview – NE#1

OPA interviewed NE#1 on July 14, 2023.

NE#1 told OPA he was dispatched to a "mapped" location. NE#1 said that mapped locations are "fairly accurate," but, in this case, the mapped location (Location #1) was about a quarter mile from Location #2. NE#1 said mapping "usually" has a "better spot location than a quarter of a mile." NE#1 said he and NE#2 went to Location #1 first but did not hear or see anything. NE#1 said they also ran license plates there, but none were linked to the parties.

NE#1 said that dispatch provided Location #2 based on the mother having "a history there." NE#1 described Location #2 as a "large apartment building." NE#1 said it was a lockout with multiple levels requiring separate key access. NE#1 also said the mother—the putative victim—hung up on the dispatcher and would not accept callbacks.

NE#1 said they went to Location #2 and saw the office was closed, tried the callbox without success, and searched the directory for the parties. NE#1 said that NE#2 called the mother again without an answer.

NE#1 said typically, when he buzzed other lockout building residents, "a lot of times, people don't answer." NE#1 also said that it seemed clear that the mother did not want police contact. NE#1 also noted the possibility that they did not even have a correct address for the call based on the mapping discrepancy and Location #2 not being a verified incident location.

Overall, NE#1 said the Complainant may not have known their efforts to enter the building.

f. OPA Interview – NE#2

OPA interviewed NE#2 on July 14, 2023. His interview was consistent with NE#1's interview.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.001-POL 6. Employees May Use Discretion



The Complainant alleged that the named employees used improper discretion by not doing more to enter Location #2.

“Employees are authorized and expected to use discretion in a reasonable manner consistent with the mission of the department and duties of their office and assignment.” SPD Policy 5.001-POL-6. Further, “Discretion is proportional to the severity of the crime or public safety issue being addressed.” *Id.*

SPD is committed—echoed in Washington State law—to protecting DV victims and arresting DV offenders. See SPD Policy 15.410 (Domestic Violence Investigation).

OPA recently issued findings for a complaint involving officers who failed to meet Department standards for a DV call. See 2022OPA-0331. In that case, officers knew the incident location but failed to respond immediately, arriving twenty-one minutes after being dispatched. Neither officer activated BWV or ICV and stayed at the incident location—a lockout building—for less than two minutes. OPA also found that the officers made insufficient efforts to contact the 9-1-1 caller. OPA also noted that there was no evidence the responding officers even exited their vehicle at the incident location.

Here, however, the named employees did considerably more with flimsy information. The named employees knew that the putative victim (the mother) seemingly wanted no police contact. Moreover, there was no verified address. Still, they timely responded at two locations a quarter mile apart—the geolocated “mapped” Location #1 and Location #2, suggested by the dispatcher. At Location #1, the officers could not enter the building, so they ran nearby license plates, hoping to find a car linked to an involved party. They then went to Location #2 and used the provided cell phone number and the building’s callbox to contact the parties. The named employees found the building’s office closed. They also knew that the dispatcher called back several times.

Overall, although the named employees did not exhaust all options, their efforts were reasonable—particularly given the uncertainty about the incident’s location.

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

Recommended Finding: **Not Sustained - Unfounded**

Named Employee #2 - Allegation #1
5.001-POL 6. Employees May Use Discretion

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

Recommended Finding: **Not Sustained - Unfounded**