



## CLOSED CASE SUMMARY

ISSUED DATE: NOVEMBER 28, 2023

FROM: DIRECTOR GINO BETTS   
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2023OPA-0240

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

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

Allegation(s):		Director's Findings
# 1	15.180 Officers Shall Document all Primary Investigations on a Report - Section 5.	Not Sustained - Unfounded (Expedited)
# 2	5.001 Standards and duties section 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.***

### **EXECUTIVE SUMMARY:**

The Complainant alleges Named Employee #1 (NE#1) refused to investigate an alleged robbery 2 committed by unknown teens who harassed him, grabbed him, and stole his phone.<sup>1</sup>

The Complainant alleges NE#1 refused to investigate an alleged assault that occurred shortly after the previous contact with NE#1 and was not truthful and complete in his communication.<sup>2</sup>

### **ADMINISTRATIVE NOTE:**

This case was approved as an Expedited Investigation. This means that OPA, with the Office of Inspector General's review and approval, believed that it could reach and issue recommended findings based solely on its intake investigation and without interviewing the involved employees. As such, OPA did not interview the involved employees in this case.

On July 10, 2023, the Office of Inspector General (OIG) certified OPA's investigation as thorough, timely, and objective.

During the intake, OPA identified that the Complainant made professionalism allegations against NE#1, as well as three additional SPD Officers. OPA processed these allegations as Supervisor Actions.

### **SUMMARY OF INVESTIGATION:**

The Complainant emailed a complaint to OPA that NE#1 failed to investigate a robbery 2. The Complainant explained he approached NE#1 who was working during an Alki Beach emphasis when he flagged him down. The Complainant

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<sup>1</sup> 2023-145569.

<sup>2</sup> 2023-145598.



told NE#1 that several unknown teens harassed him, grabbed him and stole his phone. The Complainant explained he was able to get his phone back and then found NE#1 to report what had occurred. NE#1 told the Complainant that since he was working a beach closing emphasis shift that he was obligated to assist the Seattle Park's Department in walking the beach and putting out bonfires. NE#1 told the Complainant that the beach closing was ongoing and he offered to have the Complainant accompany him and point out the suspects while they walked together. NE#1 reported the Complainant agreed to walk with the officer and then walked away. NE#1 did not see the Complainant for approximately fifteen minutes when another 911 call came out that the Complainant had been assaulted. The SFD responded to the scene of the alleged assault and indicated to NE#1 that the Complainant had no observable injuries. NE#1 contacts the Complainant near the Seattle Fire Department truck and asks the Complainant if he was assaulted again? In addition, NE#1 asks where the Complainant was because, "you weren't anywhere in sight of us". The Complainant was very unhappy with NE#1 and disputed that he had left NE#1. Furthermore, that he was abandoned by NE#1 and was assaulted. The Complainant requested to speak to a Sergeant, Witness Officer #1 (WO#1).

NE#1 and the Complainant continue to talk while waiting for WO#1 to arrive. The Complainant stated he was unhappy with NE#1 because he did not investigate his robbery 2 claim when he showed him pictures of who had perpetrated harassment, stole his phone and assaulted him. NE#1 again asked to speak to WO#1. The SFD personnel told NE#1 they did not see any visible injuries on the Complainant. NE#1 told the Complainant WO#1 is coming and the Complainant stated, "thank you for not doing anything and let them pretty much assault me".

WO#1 responded to the scene and spoke with the Complainant who said he had three questions. The Complainant was unhappy with WO#1 because he wanted WO#1 to answer the first question, "why did [NE#1] not come and investigate when I showed him pictures of who perpetrated harassment, stealing my phone and made an assault on me". WO#1 then asked, "what are your other two questions" and the Complainant said, "no, no, no, no, no I'm not going to say anything till you answer my first question". WO#1 began to give the Complainant a business card and the Complainant jumped in saying "you're not going to answer my question?" and WO#1 said, "not if you [the Complainant] are going to be rude to me because I am not here to take your rudeness, and I am not going to answer your question without context". The Complainant began to walk away and WO#1 told the Complainant if he wanted to tell him everything that happened that he would have a conversation with him. WO#1 offers the Complainant a business card and provides the case number for him. The Complainant does not answer the questions of WO#1 but tries to show him pictures and continues to interrupt WO#1. WO#1 finally ends contact and offers the Complainant a phone number for OPA and the Complainant says, "I'm calling everybody!"

NE#1 completes an incident report for the alleged robbery 2 and adds language of the alleged assault the Complainant mentioned that occurred ten to fifteen minutes after the robbery 2. NE#1 wrote in his report that the Complainant was not pleased with his initial or secondary response and refused to speak with him and requested a supervisor to the scene. Furthermore, NE#1 provided details in his report describing the alleged suspect from both incidents to include their clothing, details of the cap they were wearing and the dark sunglasses they had on. In addition, he included the SFD's information that there were no visible injuries found on the Complainant. NE#1 also included information from the Complainant that stated, "he was assaulted by the same suspect as [NE#1] stood by and did nothing." In addition, NE#1 wrote in his report that the description of the suspect was different than the photos the Complainant showed him. NE#1's police report was completed on the date of the incident and signed off by a supervisor, WO#1.



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**ANALYSIS AND CONCLUSIONS:**

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

***15.180 Primary Investigations Section 5. Officers Shall Document all Primary Investigations on a Report.***

The Complainant alleged that NE#1 failed to fully investigate the robbery 2 incident because he did not conduct an area check for the suspect(s) and only looked at the photos from his phone. SPD employee policy 15.180 Primary Investigations Section 5 indicates that all reports must be complete, thorough, and accurate. Here, OPA reviewed the information related to this complaint, including the OPA Complaint, the CAD report, Incident Reports, ICV and BWV. The BWV captured NE#1's interactions with the Complainant. Based on the evidence provided, by a preponderance of the evidence, OPA finds NE#1 did write a police report in this matter that had the requisite information regarding both incidents and was complete, thorough, and accurate. Furthermore, the report was written on the same day the incident occurred and was signed off on by a supervisor.

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

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

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

***5.001 Standards and duties Section 11. Employees will be truthful and complete in all communication***

The Complainant alleged that NE#1's report was inaccurate because NE#1 abandoned him and did not walk with him to find the suspect(s). In review of the BWV, it shows the Complainant walked away from NE#1 who subsequently continued his duties with the Seattle Park's Department to check on fires on the beach. Therefore, based on the evidence provided by a preponderance of the evidence, OPA finds that NE#1 was truthful and complete in his communication.

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

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