



Issued Date: NOVEMBER 25, 2023

From: Office of Police Accountability, Director Gino Betts JR.,

Case Number: 2023OPA-0246

Allegations of Misconduct & Director's Findings

Named Employee #1

1. **Allegation #1:** 12.010 Communications, 12.010-POL-2 Deployment, 4. Supervisors Will Monitor and Supervise the Status of Calls and Ensure the Handling of High Precedence Calls

Finding: Sustained

- **Proposed Discipline:** 9 (1 Day) to Twenty-Seven Hours (3 Days) Suspension
 - **Imposed Discipline:** 9 Hours (1 Day) Suspension

Named Employee #2

1. **Allegation #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

Finding: Sustained

2. **Allegation #2:** 5.001 - Standards and Duties POL-10. Employees Will Strive to be Professional

Finding: 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.

Administrative Note on Proposed Findings:

When the OPA Director recommends a sustained finding for one or more allegations, a discipline committee, including the named employee's chain of command and the department's human resources representative, convenes

and may propose a range of disciplinary to the Chief of Police. While OPA is part of the discipline committee, the Chief of Police decides the imposed discipline, if any. See OPA Internal Operations and Training Manual section 7.3 – Sustained Findings.

Administrative Note:

On October 26, 2023, the Office of Inspector General (OIG) certified OPA’s investigation as thorough, timely, and objective.

Summary of Investigation:

OPA received an anonymous complaint alleging officers inadequately responded to a domestic disturbance. On June 4, 2023, at 4:58 AM, Community Member #1 (CM#1) called 9-1-1 to report that Community Member #2 (CM#2)— CM#1’s boyfriend—refused to leave her home. Updates indicated that CM#2 was intoxicated and pushed CM#1. The dispatcher noted it as an active disturbance. Another update reported that CM#2 left the scene. Officers, including Named Employee #2 (NE#2), responded and spoke with CM#1. CM#1 reported that CM#2 was upset about their breakup. CM#1 stated that CM#2 grabbed and “Pushed me a little bit,” but she was uninjured. CM#1 also said CM#2 knew CM#1’s building’s access code, and CM#2 kept knocking on CM#1’s door. CM#1 gave the officers CM#2’s physical and vehicle descriptions. At 5:07 AM, officers found CM#2 nearby asleep in the backseat of a parked car. They woke him and advised him not to return to CM#1’s residence. CM#2 told the officers that his car had an intoxi-lock device, so CM#2 planned to sleep until he was sober enough to drive. CM#2 also denied a physical altercation with CM#1. CM#2 agreed. Before clearing the call, the officers contacted CM#1 and told her that CM#2 was instructed not to return.

At 5:32 AM, CM#1 called 9-1-1 again to report that CM#2 returned, was still intoxicated, and banging on her door. That call was dispatched at 5:36 AM:

Queen sector for another [domestic violence] disturbance. [CM#1’s address]. The subject returned and, uh, knocked on the [CM#1’s] door again and then ran off. [CM#1’s address].

Updates indicated that CM#2 yelled in CM#1’s hallway and manipulated her entry doorknob several times. At 5:35 AM, GPS tracked NE#2’s police cruiser on 1100 Elliott Avenue W. A minute later, it traveled south toward CM#1’s address. However, at 5:39 AM, it returned to 1100 Elliott Avenue W. At 5:45 AM, CM#1 called 9-1-1 again to report CM#2’s return. CM#1 reportedly took refuge in her kitchen. At 5:48 AM, GPS showed that Witness Officer #1 (WO#1) joined Named Employee #1 (NE#1) and NE#2 near 1100 Elliott Avenue W. Dispatch radioed NE#2, saying, “Just an update. Your caller’s back on the line and says the ex-boyfriend’s back outside knocking on the door.” At 6:03 AM, CM#1 called 9-1-1 again to report that CM#2 was manipulating her doorknob. Dispatch radioed NE#2 again, saying, “Caller’s back on the line. The suspect’s trying the door again. The call taker can hear him knocking in the background.” At 6:10 AM, another dispatcher radioed NE#2, saying, “Queen-3. We still have the call-taker on the line with the complainant. Would you like to respond back with a backing unit?” NE#2 accepted the call, and Witness Officer #2 (WO#2) replied, “I’ll go with him.” NE#2 and WO#2 arrived at 6:21 AM. At 6:27 AM, NE#2 contacted CM#2 in his car.

OPA interviewed NE#1 and NE#2.

NE#1 said she and her squad, including NE#2, were at a Starbucks (1144 Elliott Avenue W) when CM#1's second 9-11 call was dispatched. NE#1 asked NE#2 about the incident and, based on NE#2's description, did not think it required an immediate response. However, after several dispatches, NE#1 ordered NE#2 to respond "because [she] did not want to hear about it anymore."

NE#2 told OPA that CM#1's second 9-1-1 call was dispatched while he awaited coffee and food at Starbucks. He said neither his investigation during CM#1's initial call nor her subsequent calls suggested that CM#2 engaged in criminal behavior.

Analysis and Conclusions:

Named Employee #1 - Allegation #1

12.010 Communications, 12.010-POL-2 Deployment, 4. Supervisors Will Monitor and Supervise the Status of Calls and Ensure the Handling of High Precedence Calls

The Complainant alleged that NE#1, a supervisor, failed to ensure a high precedence call was handled.

Here, NE#1 convened her subordinates at Starbucks. CM#1 called 9-1-1 to report her trespassing ex-boyfriend's return. Although there was no indication that CM#2 had access to CM#1, updates noted that CM#2 was intoxicated, yelling CM#1's name in the hallway, banging on her door, and making several attempts to open CM#1's front door. During NE#2's earlier investigation, CM#1 told him that CM#2 grabbed and pushed her. Overall, it could have quickly developed into a volatile situation. CM#2 sought refuge in her kitchen as CM#1 persistently tried entering her apartment. GPS showed that NE#2 initially left Starbucks when CM#1's subsequent call was dispatched but returned soon after.

NE#1 told OPA that SPD policy required her to "monitor radio" and "get officers available to handle those calls" as a supervisor. On the day in question, NE#1 said she met NE#2 and other officers at Starbucks "in a social situation." She said, "While we were sitting there, I asked him to brief me on the call because there had been additional updates. He had informed me that based [on] his investigation, there had been no crime." They "remained [at Starbucks] for a period of time." GPS data showed that NE#2 stayed at Starbucks for 40 minutes before responding to CM#1's subsequent call. Even if NE#1 suggested that his initial investigation uncovered no crime committed by CM#2, NE#1 had yet to investigate CM#1's subsequent call. Moreover, although CM#1 reported no injuries during NE#2's initial investigation, she was reportedly grabbed and pushed. Further, at a minimum, NE#1 and NE#2 knew that CM#2's return to CM#1's apartment, after NE#2 ordered him not to, constituted criminal trespass. RCW 9A.52.070. Ultimately, even if NE#1 did not consider CM#1's calls a high priority, it was higher than socializing at Starbucks—particularly when domestic disputes quickly escalate into volatile or deadly situations. NE#1 told OPA she eventually ordered NE#2 to respond because she was tired of the dispatcher updates.

However, CM#1's and the dispatchers' persistence for assistance warranted a timely response, mainly when no apparent higher priority existed. As the anonymous Complainant noted, "This was terrible service to the [citizen] and a bad representation for the department, [making] it seem like we don't care about DV victims. The sergeant should've acted and directed this officer to respond. They were advised multiple times on the radio."

Accordingly, OPA recommends a Sustained finding for this allegation.

Recommended Finding: **Sustained**

Named Employee #2 - Allegation #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

The Complainant alleged that NE#2

Patrol officers must "Monitor and take appropriate action regarding criminal activity in [the] assigned area" and "Demonstrate consistent work habits which reflect a high standard of performance and initiative." SPD Policy 5.100(I)(A).

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

Recommended Finding: **Sustained**

Named Employee #2 - Allegation #2

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

The Complainant alleged that NE#2

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." Id.

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

Recommended Finding: **Sustained**