



CLOSED CASE SUMMARY

ISSUED DATE: DECEMBER 20, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2023OPA-0283

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional	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:

Named Employee #1 (NE#1) conducted a follow-up investigation into an alleged assault at a community center where he met Witness Employee #1 (WE#1)—a SPD civilian community liaison. WE#1 told NE#1 that he should investigate another time because of an event occurring at the community center. The Complainant alleged NE#1 made unprofessional and intimidating comments by threatening to arrest him for obstructing NE#1's investigation.

ADMINISTRATIVE NOTE:

On December 20, 2023, the Office of Inspector General certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

OPA received a complaint and opened an investigation. During its investigation, OPA reviewed the OPA complaint, computer-aided dispatch (CAD) call report, incident reports, and body-worn video (BWV). OPA also interviewed NE#1.

A. OPA Complaint

The Complainant—an acting sergeant—submitted a Blue Team complaint to OPA on June 29, 2023. The Complainant wrote that NE#1 conducted a follow-up investigation into an alleged assault at a community center. The Complainant wrote that NE#1 met the victim's husband (Community Member #1 or CM#1), who reported seeing the female suspect's (Community Member #2 or CM#2) vehicle in the community center's parking lot. The Complainant wrote that NE#1 entered the community center and asked staff members if they recognized CM#2. The Complainant wrote that NE#1 brought in CM#1 to identify CM#2, but WE#1 and an event organizer did not allow them to enter the room where an event was occurring to prevent any disruption. The Complainant wrote that WE#1 and the event organizer denied an assault occurred. The Complainant wrote that WE#1 said CM#1's wife was the "troublemaker." The



Complainant wrote that CM#1 thought he saw CM#2 in the room but was uncertain. The Complainant wrote that NE#1 and CM#1 left the community center to de-escalate the situation.

WE#1 wrote a memorandum on June 20, 2023. WE#1 wrote, among other things, that he walked to his SPD-issued vehicle. WE#1 wrote that NE#1 approached and threatened him. WE#1 alleged that NE#1 said, "You [WE#1] are an obstacle to my investigation; it is on Camera. I [NE#1] will talk to my Lieutenant and my Captain." WE#1 also alleged that NE#1 said, "If you are not my co-worker I would." WE#1 interpreted that to mean NE#1 would have arrested him if they were not coworkers. WE#1 wrote that because NE#1 mentioned a court, WE#1 believed that NE#1 would support a lawsuit against WE#1. WE#1 wrote, "I fear of arrest or lawsuit." WE#1 believed CM#1's wife's alleged assault was fabricated. WE#1 denied obstructing NE#1's investigation.

B. CAD Call Report and Incident Report – June 14, 2023

On June 14, 2023, at 12:01 PM, CAD noted, "[REPORTING PARTY] WOULD LIKE TO SEE POLICE, IS WAITING OUTSIDE, [SUSPECT] STILL ON SITE INSIDE, MEDICS DECLINED, NO WEAPONS."

Witness Employee #2 (WE#2) responded and wrote an incident report. WE#2 wrote, among other things, that CM#1's wife alleged CM#2 struck her hand with a pen. WE#2 wrote that he advised CM#1's wife to obtain a protection order against CM#2 and her husband. WE#2 wrote that CM#1's wife identified CM#2's vehicle and its license plate.

C. CAD Call Report, Incident Report, and BWV – June 17, 2023

On June 17, 2023, at 12:01 PM, CAD noted, "SEE [REPORTING PARTY], STATES THAT HE SEE[S] THE [VEHICLE] THAT WAS INVOLVED IN AN ASSAULT AGAINST HIS WIFE ON 06/14/23. [UNKNOWN] IF ANYONE IS INSIDE OF THE [VEHICLE]. [REPORTING PARTY] WAITING FOR OFFICERS IN HIS [VEHICLE]. NO [WEAPONS]."

NE#1 responded with his BWV activated. NE#1's BWV captured the following events on June 17, 2023.

NE#1 met CM#1 at a community center's parking lot. CM#1 said CM#2 assaulted his wife on June 14 and pointed to CM#2's vehicle. CM#1 believed CM#2 was inside the community center. NE#1 said he would look for CM#2 inside.

NE#1 walked toward the entrance as WE#1 approached. NE#1 asked if CM#2 was inside. WE#1 said there was an event occurring and asked what was wrong with CM#2. NE#1 said CM#2 assaulted someone. WE#1 said, "I don't think so." WE#1 escorted NE#1 to the entrance and asked, "Who called 9-1-1?" WE#1 then said, "You go find yourself." NE#1 entered and asked several people if CM#2 was there. A female event organizer said she did not recognize CM#2's name and said no one was at the community center on June 14. WE#1 approached NE#1, said nothing happened and also said CM#2 was not there. Furthermore, WE#1 identified himself as Seattle Police. NE#1 said he had to investigate the alleged assault.

NE#1 exited the community center and briefed CM#1, who refuted the event organizer's claims and said he could identify CM#2. NE#1 escorted CM#1 inside. NE#1 and CM#1 walked toward the room where the event was occurring. WE#1 and a male event organizer stopped NE#1 and CM#1 to prevent any disruption of the event. WE#1 said CM#1's wife was the "troublemaker." NE#1 asked WE#1, "So you're saying that I should not be investigating an assault?" WE#1 said NE#1 should, but not now. NE#1 said CM#1 was there to identify CM#2. WE#1 said, "Go and find her." CM#1 looked for CM#2 but did not enter the room. WE#1 and the event organizer were worried about disrupting the



event and appeared to prevent entry to the room. The event organizer said he did not want any trouble and denied an assault occurred. NE#1 explained why he was there and said he could not ignore 9-1-1 calls. The event organizer brought a witness to disprove the alleged assault.

CM#1 said he thought he saw CM#2 but was uncertain. NE#1 said he did not want to enter the room because that would cause a disturbance and told CM#1 that he should take this matter to court. NE#1 encouraged CM#1 to exit to de-escalate the situation. NE#1 and CM#1 exited the community center. NE#1 said he would speak with WE#1 about WE#1's conduct during the investigation. NE#1 approached WE#1 by his SPD-issued vehicle, then turned off his BWV.

NE#1 wrote an incident report consistent with the events captured on BWV. NE#1 wrote, "Due to [WE#1's] interference with my investigation, I was unable to [obtain] further information about the incident."

D. OPA Interview

OPA interviewed NE#1 on November 30, 2023. NE#1 described the events on June 17, 2023, consistent with his incident report and the events captured on BWV. NE#1 also provided the following statements.

NE#1 said he had insufficient information to arrest CM#2, so he wanted to speak with CM#2 to get her side of the story. NE#1 said he recognized WE#1, who was initially friendly. NE#1 said WE#1 frequently interrupted his conversations during the investigation and became escalated by yelling at NE#1 and telling him to leave. NE#1 said he had to investigate for due diligence and could not just leave. NE#1 also took issue with WE#1 repeatedly saying he was Seattle Police because that gave the impression that WE#1 was a sworn officer who had the authority to halt an investigation. NE#1 said he was unable to obtain a positive identification on CM#2, so he did not want to force entry and disrupt the event.

NE#1 said he respected WE#1 and his position in the community, understood why WE#1 behaved the way he did, and understood WE#1's culture in a way that another officer may not. NE#1 believed WE#1's behavior, however, was inappropriate and unprofessional. NE#1 expressed concern that another officer could interpret WE#1's behavior differently and arrest WE#1, which he did not want to happen. NE#1 said he approached WE#1 outside and turned off his BWV because the public contact was over at that point. NE#1 said he told WE#1 that WE#1's behavior was inappropriate and that a different officer could have arrested him for obstruction. NE#1 said he educated WE#1 on why NE#1 had to investigate, advised WE#1 not to interfere in the future, and advised WE#1 not to give the impression that he was a sworn officer. NE#1 said WE#1's behavior was so problematic that he told WE#1 that he would report the incident to his chain of command. NE#1 said he and WE#1 shook hands at the end of their conversation.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

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

WE#1 alleged NE#1 was unprofessional by threatening to arrest him for obstructing NE#1's investigation.

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.* Additionally, employees must "avoid unnecessary escalation of events even if those events do not end in reportable



uses of force.” *Id.* “Any time employees represent the Department or identify themselves as police officers or Department employees, they will not use profanity directed as an insult or any language that is derogatory, contemptuous, or disrespectful toward any person.” *Id.*

Here, NE#1 had a conversation with WE#1 that was not captured on BWV, but the evidence indicates that the conversation was professional. First, WE#1 alleged NE#1 said, “You [WE#1] are an obstacle to my investigation; it is on Camera. I [NE#1] will talk to my Lieutenant and my Captain.” This is generally consistent with NE#1’s statements to OPA. NE#1 said he told WE#1 that WE#1’s behavior was inappropriate, educated WE#1 on why NE#1 had to investigate, and advised WE#1 not to interfere in the future. NE#1 also said he told WE#1 that such problematic behavior warranted notifying NE#1’s chain of command. Second, WE#1 alleged NE#1 said, “If you are not my co-worker I would.” WE#1 interpreted that to mean NE#1 would have arrested him if they were not coworkers. On its face, the statement WE#1 provided was incomplete—WE#1 explicitly wrote he was inferring the threat. It is possible WE#1 misinterpreted what NE#1 said or meant. NE#1 stated he told WE#1 that a different officer, who does not know WE#1, could have arrested WE#1 for obstruction based on WE#1’s behavior. Third, WE#1 alleged NE#1 mentioned a court, interpreting that to mean NE#1 would support a lawsuit against WE#1. Again, this is an incomplete statement, and WE#1 admitted he made an assumption about its meaning. NE#1 was captured on BWV repeatedly telling CM#1 that the dispute should be adjudicated in court. WE#1 may have misattributed these “court” statements to a future lawsuit against WE#1.

OPA reviewed NE#1’s BWV capturing NE#1 responding to the community center and found NE#1’s interaction with WE#1 was professional. NE#1 remained calm and repeatedly explained that he was there to investigate an alleged assault while WE#1 appeared to, at the very least, hinder NE#1’s investigation by raising his voice, asking NE#1 not to investigate now, saying nothing happened, and preventing NE#1 from entering the room where the event was occurring. NE#1 attempted to investigate to the extent feasible despite these obstacles. Additionally, NE#1 remained professional and never raised his voice at WE#1 and the male event organizer—both of whom were escalated. When CM#1—who stayed outside of the crowded event room—could not positively identify CM#2 inside the room, NE#1 sought to de-escalate the situation by removing CM#1 and himself from the community center. Based on review of the evidence and the totality of the circumstances, OPA finds NE#1’s actions more likely than not, continued to be professional after he turned off the BWV. Moreover, even if NE#1 did tell WE#1 he could have been arrested for obstruction, this would not have been unreasonable. In any event, NE#1 did not attempt to arrest WE#1.

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

Recommended Finding: **Not Sustained - Unfounded**