




## CLOSED CASE SUMMARY

ISSUED DATE: OCTOBER 2, 2024

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

CASE NUMBER: 2023OPA-0379

### Allegations of Misconduct & Director's Findings

#### Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties POL-2. Employees Must Adhere to Laws, City Policy, and Department Policy	Not Sustained - Inconclusive
# 2	5.001 - Standards and Duties POL-10. Employees Will Strive to be Professional	Not Sustained - Inconclusive

***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:

On September 1, 2023, the Seattle Police Department's human resources unit emailed OPA Jefferson County Alabama court records, including a summons for the named employee's (NE#1) appearance, a petition for protection filed on August 18, 2023, by NE#1's former domestic partner (Community Member #1 or CM#1), and a court order. The petition indicated that NE#1 and CM#1 shared a child and outlined three occasions of alleged abuse:

- May 18<sup>th</sup> (incident location: Tacoma, WA.): When CM#1 broke up with NE#1, with their daughter in the home, he aimed a gun at himself and threatened to kill himself. CM#1 wrestled the gun from NE#1.
- May 23<sup>rd</sup> (incident location: Tacoma, WA.): NE#1 snatched and examined CM#1's phone while accusing her of cheating and "calling [her] out of [her] name." NE#1 broke a door, aimed a gun at himself and CM#1, and threatened to kill both.
- August 16<sup>th</sup>: NE#1 examined CM#1's phone activity and accessed "all [of her] phone information through [their] provider."

On August 22, 2023, a Jefferson County judge granted a temporary protection order.

### ADMINISTRATIVE NOTE:

On September 27, 2024, the Office of Inspector General certified this investigation as thorough, objective, and timely.

### SUMMARY OF INVESTIGATION:

#### *Tacoma Police Department Records*

Witness Officer #1 (WO#1)—the Tacoma Police Department (TPD) detective investigating CM#1's criminal allegations—wrote the related police report. It was noted that after checking "several different databases," WO#1



could not find CM#1's contact information. NE#1 provided WO#1 with his last known phone number for CM#1, but WO#1 stated it went straight to voicemail. WO#1 noted that CM#1 never made a report with TPD, and due to CM#1's inaccessibility, he had limited means to investigate the claims CM#1 outlined in her petition. WO#1 found no 9-1-1 calls or reports linked to any incident in CM#1's petition. On September 28, 2023, WO#1 spoke with NE#1 over the phone. NE#1 said he was emailed a copy of the court order, which he forwarded to the department's human resources unit. NE#1 acknowledged arguing with CM#1 on the dates she provided but denied accessing a firearm or threatening CM#1 or himself during them. He said they broke up on May 18<sup>th</sup> but continued living together as co-parents. During the May 23<sup>rd</sup> incident, NE#1 admitted to grabbing CM#1's phone but denied using force. He said it was "resting" in CM#1's hand when he grabbed it. NE#1 said during the argument, CM#1 locked herself in their bedroom, and he used a screwdriver to remove the doorknob and enter. He said the door was undamaged. NE#1 also said he volunteered to leave, but CM#1 took his keys to prevent it. He said they continued cohabitating until CM#1 left, with their child and dog, on July 31<sup>st</sup> to "visit her mother in Alabama." NE#1 said they discussed CM#1 returning home in September, but on August 29<sup>th</sup>, he received the Alabama protection order. He said he filed a motion to dismiss CM#1's order in Pierce County.

#### *OPA Interviews*

OPA spoke with WO#1, who offered no information beyond what was captured in his police report. Like TPD, OPA made several unsuccessful attempts to contact CM#1.

On August 2, 2023, OPA interviewed NE#1. He presented paperwork showing that the court vacated CM#1's temporary protection order upon her request. As WO#1's report indicated, NE#1 acknowledged arguing with CM#1 but denied a physical altercation or threatening himself or her. He said there was no indication that CM#1 was upset or concerned about him when she left for Alabama up to when he received notice of her court filing.

#### **ANALYSIS AND CONCLUSIONS:**

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

##### ***5.001 - Standards and Duties POL-2. Employees Must Adhere to Laws, City Policy, and Department Policy***

The Complainant alleged that NE#1 violated the law by threatening CM#1 with a firearm.

Employees must adhere to laws, City policy, and Department policy. SPD Policy 5.001-POL-2. In Washington, it is unlawful to aim a firearm at someone without lawful justification. See RCW 9.41.230.

CM#1 petitioned an Alabama court for a protection order, alleging that NE#1 threatened suicide by firearm on May 18<sup>th</sup> and suicide and homicide by firearm on May 23<sup>rd</sup>. Despite TPD's criminal and OPA's administrative investigation, no corroboration supporting the allegations in CM#1's petition has been established. Instead, the court record showed that CM#1 later asked for it to be rescinded. Without a modicum of corroboration, OPA cannot conclude that NE#1 more likely than not violated the law.

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

Recommended Finding: **Not Sustained - Inconclusive**



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

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

The Complainant alleged that NE#1 was unprofessional by threatening to kill himself and CM#1.

SPD employees must “strive to be professional.” SPD Policy 5.001-POL-10. Additionally, “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers,” whether on or off duty. *Id.* Moreover, employees must “avoid unnecessary escalation of events even if those events do not end in reportable uses of force.” *Id.*

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

Recommended Finding: **Not Sustained - Inconclusive**