

Issued Date: MARCH 14, 2024

From: Director Gino Betts, Office of Police Accountability



Case Number: 2023OPA-0419

Allegations of Misconduct & Director's Findings

Named Employee #1

1. **Allegation #1:** 5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing
 - a. **Finding:** Not Sustained - Unfounded (Expedited)
2. **Allegation #1:** 15.180 – Primary Investigations, 15.180-POL-1. Officers Shall Conduct a Thorough and Complete Search for Evidence
 - a. **Finding:** Not Sustained - Lawful and Proper (Expedited)

Named Employee #2

1. **Allegation #1:** 5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing
 - a. **Finding:** Not Sustained - Unfounded (Expedited)
2. **Allegation #1:** 15.180 – Primary Investigations, 15.180-POL-1. Officers Shall Conduct a Thorough and Complete Search for Evidence
 - a. **Finding:** Not Sustained - Lawful and Proper (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:

Named Employee #1 (NE#1) and Named Employee #2 (NE#2) investigated a domestic violence (DV) incident involving the Complainant and Community Member #1 (CM#1), the Complainant's boyfriend. While fleeing, CM#1 rammed a police car using the Complainant's car. The Complainant alleged that the named employees were biased against CM#1 based on his race and

criminal history. The Complainant also alleged that the named employees conducted an unthorough and incomplete investigation by failing to report her car stolen.

Administrative Note:

This case was approved for Expedited Investigation. That means OPA, with the Office of Inspector General's (OIG) agreement, believed it could issue recommended findings based solely on its intake investigation without interviewing the named employees. As such, OPA did not interview the named employees involved in this case.

On October 19, 2023, OIG certified OPA's investigation as thorough, timely, and objective.

Summary of the Investigation:

On September 18, 2023, the Complainant filed an online OPA complaint, writing that the officers responded to her house for a DV incident. She wrote that she believed CM#1 drove her car, but she wanted to report it stolen. She wrote that officers refused to write a stolen car report because they lived together. She wrote that CM#1 came home and said someone stole her car after he was "jumped." She described two other times when she tried to report her car stolen. She wrote that someone else drove her car and struck a police car. She wrote that NE#1 refused to write a stolen car report.

OPA investigated the complaint, reviewing the computer-aided dispatch (CAD) call report, body-worn video (BWV), incident reports, and photographs. OPA also interviewed the Complainant.

On August 26, 2023, at 3:32 AM, CAD call remarks noted, "HAVE OPEN LINE WITH FEMALE CRYING AND YELLING, MALE TELLING HER TO LEAVE. FEMALE CAME ON AND GAVE ADDRESS, SAID HE'S GOING TO KILL HER AND TO PLEASE COME QUICKLY." At 4:17 AM, CAD call remarks noted, "COLLISSION FROM VEH[ICLE] RAMMING [] PATROL VEH[ICLE] NO INJURIES."

NE#1 responded to the location and activated his BWV, which captured the following:

NE#1 was driving to the location when CM#1—allegedly driving the Complainant's car—appeared to have struck the front of NE#1's police car. CM#1 fled. NE#1 arrived at an apartment and spoke with the Complainant, who reported that CM#1 took her car, gave her a bloody lip, urinated on her, and strangled her. She said CM#1 argued with her for hours, assaulted her during their argument, and demanded oral sex. She said he fled in her car while the police responded to their location. NE#1 photographed the Complainant, who had visible injuries on her body. She described CM#1's prior disturbances and assaults. She said that CM#1 was mentally ill and had a criminal history for DV and assaulting a public official. She said CM#1 was recently arrested for DV. She declined a medical evaluation.

NE#1 wrote an incident report consistent with the events captured on BWV.

On August 27, 2023, at 12:47 PM, CAD call remarks noted, “2ND HAND INFO: [REPORTING PARTY] RECEIVED A CALL FROM A FRIEND AT THIS ADDR[ESS] WHO STATED HER BOYF[RRIEND] BROKE INTO HER WINDOW AND IS NOW INSIDE, NO MENTION OF [WEAPONS].”

Witness Officer #1 (WO#1) responded to the location and activated his BWV, which captured his interaction with the Complainant. She said she argued with CM#1 about her car but denied any physical altercation. She did not believe CM#1 stole her car, claiming that unknown people stole it after they “jumped” CM#1. WO#1 expressed doubt about her story. The Complainant acknowledged consenting to CM#1 using her car.

WO#1 wrote an incident report consistent with the events captured on BWV.

NE#2 photographed the Complainant’s car, which was wrecked and located on a different property.

On October 5, 2023, OPA interviewed the Complainant. She said CM#1 rammed a police car and returned the following day. She said CM#1 told her that unknown people assaulted him and stole her car. She said she believed CM#1 because homeless people lived nearby and looked for opportunities to steal a car. She said officers did not believe her when they followed up with her and did not believe CM#1’s claim based on his race and criminal record. She said she wanted NE#1’s incident report to reflect that her car was stolen, but NE#1 refused because the police believed that CM#1 stole her car. She said the occupants of the house where her car was located should have been suspects. She said NE#2 should have contacted her when he photographed her car.

Analysis and Conclusions:

Named Employee #1 – Allegation #1

5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing

The Complainant alleged that the named employees engaged in bias-based policing.

Biased policing means “the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws as well as other discernible personal characteristics of an individual.” SPD Policy 5.140-POL. It includes different treatments based on race. *See id.* Officers are forbidden from making decisions or taking actions influenced by bias and expressing prejudice or derogatory comments concerning personal characteristics. *See* SPD Policy 5.140-POL-2.

There is no evidence in the record suggesting CM#1’s race impacted the named employees’ investigation. NE#1 interviewed and photographed the Complainant. NE#2 photographed the Complainant’s car. Their police reports, which documented the evidence they uncovered, did not

suggest that CM#1's race played any role during their investigation. The Complainant also acknowledged that the named employees never referred to CM#1's race.

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

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

Named Employee #1 – Allegation #2

15.180 – Primary Investigations, 15.180-POL-1. Officers Shall Conduct a Thorough and Complete Search for Evidence

The Complainant alleged that NE#1 conducted an unthorough and incomplete investigation by failing to report her car stolen.

In primary investigations, officers must conduct a thorough and complete search for evidence. SPD Policy 15.180- POL-1. Sworn personnel are responsible for knowing how to collect the most common physical evidence that might be encountered in a primary investigation. *Id.*

Here, NE#1 interviewed the Complainant and photographed her injuries. While the Complainant asked for NE#1's police report to reflect that her car was stolen, he could not comply because CM#1 was known to the Complainant and had her permission to drive her car. Additionally, no evidence corroborated the Complainant's claim that her car was stolen after unknown people "jumped" CM#1. The Complainant acknowledged that CM#1 took her car and consented to his driving her car. When officers responded to the Complainant's apartment the next day, they noted that the Complainant changed her story, undermining her credibility. NE#1 conducted a thorough and complete search for evidence under these circumstances.

Accordingly, OPA recommends this allegation be Not Sustained – Lawful and Proper (Expedited).

Recommended Finding: **Not Sustained - Lawful and Proper (Expedited)**

Named Employee #2 – Allegation #1

5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing

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

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

Named Employee #2 – Allegation #2

15.180 – Primary Investigations, 15.180-POL-1. Officers Shall Conduct a Thorough and Complete Search for Evidence

The Complainant alleged that NE#2 conducted an unthorough and incomplete investigation by failing to report her car stolen.

Here, NE#2 photographed the Complainant's car. He did not interact with the Complainant. For many of the same reasons cited in Named Employee #1 – Allegation #2, OPA also finds NE#2 conducted a thorough and complete search for evidence under the circumstances.

Accordingly, OPA recommends this allegation be Not Sustained – Lawful and Proper (Expedited).

Recommended Finding: **Not Sustained - Lawful and Proper (Expedited)**