



## CLOSED CASE SUMMARY

ISSUED DATE: MARCH 20, 2024

FROM: DIRECTOR GINO BETTS   
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2023OPA-0432

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

#### Named Employee #1

Allegation(s):		Director's Findings
# 1	15.180 – Primary Investigations, 15.180-POL-5. Officers Shall Document all Primary Investigations on a Report	Not Sustained - Unfounded

#### Named Employee #2

Allegation(s):		Director's Findings
# 1	15.180 – Primary Investigations, 15.180-POL-5. Officers Shall Document all Primary Investigations on a Report	Not Sustained - Unfounded

#### Named Employee #3

Allegation(s):		Director's Findings
# 1	15.180 – Primary Investigations, 15.180-POL-5. Officers Shall Document all Primary Investigations on a Report	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:**

The Complainant alleged the named employees' reports were not complete, thorough, and accurate as it appeared they "copied and pasted" content without necessary editing.

#### **ADMINISTRATIVE NOTE:**

On February 29, 2024, the Office of Inspector General certified this investigation as thorough, timely, and objective.

#### **SUMMARY OF INVESTIGATION:**

An SPD Sergeant submitted an internal "Blue Team" complaint to OPA. The Sergeant summarized that, during a civil court proceeding, the plaintiff<sup>1</sup> pointed out that Named Employee #1 (NE#1), Named Employee #2 (NE#2), and Named Employee #3 (NE#3) submitted use of force reports that appeared very similar. Allegedly, some sections of the reports were nearly identical, formatted in the same way, and one report had another officer's name on it.

OPA opened an investigation. During its investigation, OPA reviewed the complaint and named employees' use of force reports. OPA also interviewed the named employees.

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<sup>1</sup> A civil action is a lawsuit for money damages or a court order. Civil actions are not criminal prosecutions. In a civil action, the "plaintiff" is the term for the party that filed the lawsuit against another party, referred to as the "defendant."



The named employees all submitted a use of force report for the same incident, which occurred on July 25, 2020—one of the busiest days of the 2020 demonstrations.<sup>2</sup> The named employees submitted their reports on August 1, 2020. NE#2 submitted his report at 12:24pm. NE#1 submitted his report at 1:11pm. NE#3 submitted her report at 6:55pm.

In summary, the reports each documented that the named employees were assigned to the East Precinct to protect infrastructure during the demonstrations, which involved multiple subjects throwing items such as rocks and glass bottles at officers. The reports also noted property damage and reports of individuals in the crowd possessing weapons. The reports noted that members of the crowd used an improved explosive device to damage the East Precinct, after which command staff ordered the crowd to disperse. Each named employee wrote that they deployed OC spray where subjects were attempting to breach a police line, taking fighting stances towards officers, assaulting officers, or throwing projectiles at law enforcement.

OPA reviewed the reports and noted that they were largely verbatim. There were slight variations in wording and formatting across the reports, but they were nearly identical in substance. Notably, NE#3's report still included NE#2's name in a header portion. The reports did not describe any specific use of force with particularity and, instead, were written broadly such that their wording could apply to multiple uses of force. For example, the "force used" section of all three reports all stated, with only minimal variation:

**FORCE USED:**

I deployed a MK-9 canister OC spray to assist in crowd management/control during a riot situation when subjects where [sic] attempting to breach a police line, taking fight stands [sic] towards officers, assault officers, and began to throw projectiles at law enforcement.

Importantly, in the "arrival" section of NE#2's statement, NE#2 specified he deployed OC spray on five occasions and noted he marked his BWV on each of these occasions. Neither NE#1 nor NE#3 had this language in their statements.

The named employees were ordered to provide their statements by the same sergeant, and the same lieutenant screened each use of force. Neither the sergeant nor lieutenant are still employed by SPD. The reports were also reviewed by members of the force review unit. None of the reports were rejected or returned to the named employees for correction.

OPA interviewed the named employees. NE#2 stated he authored his statement, and he believed it was complete, thorough, and accurate. NE#2 did not specifically recall providing his statement to other officers in this instance, but noted he has done so in the past for other officers to use as a guideline or template. NE#2 stated he did not provide his reports to others for the purpose of copying verbatim. NE#1 stated he believed he received his report from another officer but could not recall who. NE#1 stated he edited the statement to add his name, but emphasized the statement was still a complete, thorough, and accurate recitation of his experiences and activities on July 25, 2020. Similarly, NE#3 admitted it was possible she copied portions of her statement but edited it to make it specific to her. NE#3 stated she believed her report was still a complete, thorough, and accurate reflection of her experiences and activities on July 25, 2020.

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<sup>2</sup> National news outlets reported protests across American cities on July 25, 2020. The New York Times wrote, "one of the most intense protests was in Seattle[.]" Mike Baker and Nicholas Bogel-Burroughs, *Fires and Pepper Spray in Seattle as Police Protests Widen Across U.S.*, N.Y. TIMES (July 25, 2020, updated May 1, 2021), <https://www.nytimes.com/2020/07/25/us/protests-seattle-portland.html>.



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**ANALYSIS AND CONCLUSIONS:**

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

***15.180 – Primary Investigations, 15.180-POL-5. Officers Shall Document all Primary Investigations on a Report***

The Complainant alleged the named employees failed to create complete, thorough, and accurate reports.

SPD Policy 15.180-POL-5 requires that officers document all primary investigations on a Report. All reports must be complete, thorough, and accurate. See SPD Policy 15.180-POL-5.

OPA finds, more likely than not, NE#2 wrote his statement, then provided it to NE#1 and NE#3, who used it as a template for their own statements. This—on its own—does not violate SPD Policy 15.180-POL-5. What is required is that an officer using a template review and edit their report to ensure it is a complete, thorough, and accurate reflection of their experiences. The evidence suggests the named employees did so here. Even if NE#1 and NE#3 failed to correct some typographical errors or transition the name listed in the header, this did not affect the completeness, thoroughness, or substantive accuracy of the statements. The statement language was written quite broadly, each named employee stated their reports reflected their experiences, and—notably—only NE#2's report referenced a specific number of occurrences. OPA has no evidence to suggest NE#1 or NE#3 submitted incomplete, unthorough, or inaccurate reports.

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

Recommended Finding: **Not Sustained - Unfounded**

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

***15.180 – Primary Investigations, 15.180-POL-5. Officers Shall Document all Primary Investigations on a Report***

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

Recommended Finding: **Not Sustained - Unfounded**

**Named Employee #3 - Allegation #1**

***15.180 – Primary Investigations, 15.180-POL-5. Officers Shall Document all Primary Investigations on a Report***

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

Recommended Finding: **Not Sustained - Unfounded**