
Issued Date: APRIL 27, 2024**From:** Deputy Director Bonnie Glenn on Behalf of Director Gino Betts, Jr.

Office of Police Accountability

Case Number: 2023OPA-0485

Allegations of Misconduct & Director's Findings

Named Employee #1

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

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) responded to an assault call at a bar. During NE#1's investigation, the Complainant told NE#1 that he was assaulted and wanted the assailant (Community Member #3 or CM#3) arrested. NE#1, unable to locate CM#3, offered to document the incident in a report. The Complainant alleged that NE#1 conducted an unthorough investigation.

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 a recommended finding based solely on its intake investigation without interviewing the named employee. As such, OPA did not interview the named employee involved in this case.

On December 4, 2023, OIG certified OPA's investigation as thorough, timely, and objective.

Summary of Investigation:

On October 31, 2023, the Complainant called OPA, alleging that NE#1 failed to thoroughly investigate an assault incident. The Complainant claimed he was assaulted, but NE#1 refused to let him enter a bar to identify CM#3.

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

On October 30, 2023, at 12:43 AM, CAD call remarks noted, "FOR A CASE #." CAD coded the call as an assault.

NE#1 responded to a bar and activated his BWV, capturing the following:

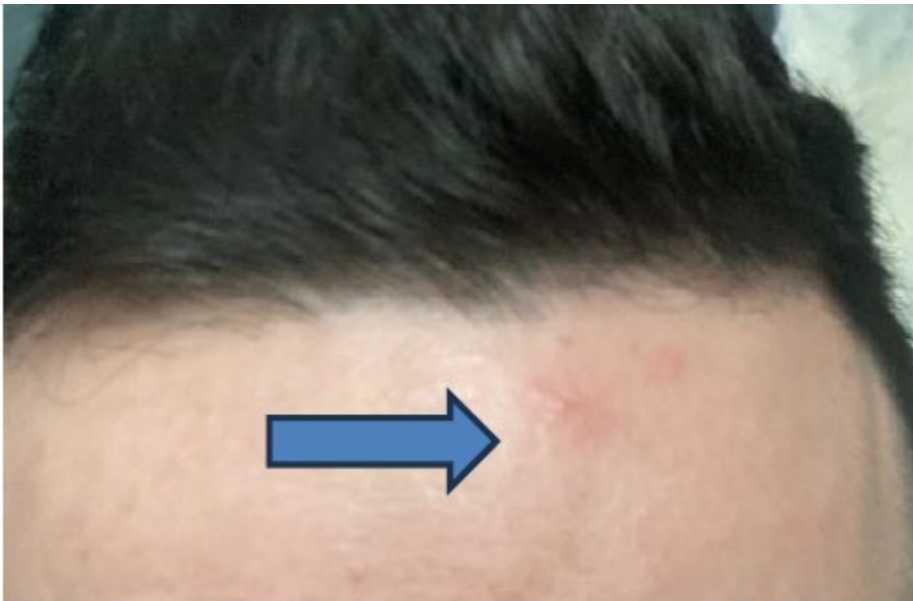
NE#1 approached Community Member #1 (CM#1), who was being interviewed by an officer outside the bar. NE#1 photographed CM#1, who had visible injuries on his face. The Complainant said Community Member #2 (CM#2)—the bar's security guard—"almost killed" CM#1, causing the Complainant to intervene. The Complainant followed NE#1 and Witness Officer #1 (WO#1) as they approached the bar's front entrance and said he could provide a witness account of the assault. A pool of blood was near the front entrance.

NE#1 questioned CM#2 after CM#2 exited the bar. CM#2 said CM#1 assaulted him after he removed CM#1 from the bar for being drunk. CM#2 said he "socked" CM#1, ending the altercation. During CM#2's interview, the Complainant conversed with a person believed to be CM#3 near the bar's front entrance. The Complainant appeared to get close to CM#3, prompting CM#3 to extend his arms toward the Complainant to create distance. NE#1 and WO#1 reapproached CM#1, who was being treated by Seattle Fire Department employees. The Complainant approached NE#1 and WO#1 to report that he was punched by a Hispanic male wearing a white T-shirt and brown hat. OPA assumed the Complainant was referring to CM#3 as captured in WO#1's BWV. CM#3 resembled the description provided by the Complainant. The Complainant said CM#3 then entered the bar. NE#1 said he would investigate but advised the Complainant to leave to mitigate further issues.

NE#1 and WO#1 entered the bar and located a person resembling the description. That person denied being in an altercation with the Complainant and was seated at the bar with a drink. NE#1 and WO#1 briefly looked around the bar and then exited the bar. NE#1 told the Complainant that CM#3 was not inside but said he would document the incident in a report. The Complainant said he was punched twice, but WO#1 noted that the Complainant originally said he was punched once. The Complainant clarified that CM#3 punched him once, then swung again and missed. The Complainant expressed frustration that NE#1 and WO#1 could not locate CM#3 inside after the Complainant saw CM#3 enter the bar. NE#1 provided the Complainant with a business card and an incident number, then said he would document the incident in a report.

NE#1's incident report was consistent with the events captured on BWV. NE#1 wrote that the Complainant was intoxicated. NE#1 wrote that the Complainant's account of the assault incident involving CM#1 differed from other witnesses' accounts. NE#1 wrote that the Complainant's account about being assaulted changed and could not be corroborated by any witnesses. NE#1 wrote seeing no markings, redness, or bruising on the Complainant's face.

The Complainant sent OPA a photograph of his forehead below showing a small faint red mark on his forehead.



A blue arrow was placed by OPA to show the area of the mark and redness.

On November 1, 2023, OPA interviewed the Complainant. The Complainant said CM#3 swung at him up to four times—one of which struck his upper forehead. The Complainant said CM#3 then entered the bar. The Complainant said two witnesses saw the assault. The Complainant said NE#1 conducted an unthorough investigation because he entered the bar for less than a minute and could not locate CM#3. The Complainant said CM#3 had to be inside because he believed the bar's front entrance was the only exit. Another witness standing near the Complainant said to NE#1 and the Complainant that he believed there were three other exits to the bar.

Analysis and Conclusions:

Named Employee #1 - Allegation #1

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 investigation.

In primary investigations, officers must conduct a thorough and complete search for evidence. SPD Policy 15.180-POL- 1. Sworn personnel must know how to collect the most common physical evidence that might be encountered in a primary investigation. *Id.* Only evidence that is impractical to collect or submit to the Evidence Unit shall be retained by the owner. *Id.* Officers shall photograph all evidence retained by the owner. *Id.*

After the Complainant reported being assaulted, NE#1 questioned nearby witnesses and entered the bar to locate a person matching the physical description provided by the Complainant. NE#1 questioned a person resembling that description, but that person denied being in a physical altercation with the Complainant. NE#1's course of action— providing the Complainant with a business card and advising that he would write an incident report—was reasonable under the

circumstances. There were no witnesses to corroborate the Complainant's claim, CM#3 could not be located, and BWV did not capture any visible injury on the Complainant's face. Nothing suggested further investigation was warranted.

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

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