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

Office of Police Accountability

Case Number: 2023OPA-0496

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 - Training Referral (Expedited)

Named Employee #2

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

Finding: Not Sustained - Training Referral

Named Employee #3

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

Finding: Not Sustained - Training Referral (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 Employees #1, #2, and #3 (NE#1, NE#2, and NE#3) responded to an assault call between a bar patron (Community Member #1 or CM#1) and a bar security guard (Community Member #2 or CM#2). The Complainant—a witness to the assault—alleged that the named employees 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 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 December 11, 2023, OIG certified OPA's investigation as thorough, timely, and objective.

Summary of Investigation:

On November 1, 2023, OPA called the Complainant, who alleged that the named employees inadequately investigated an assault incident. The Complainant claimed CM#2 nearly beat CM#1 to death.

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

On October 30, 2023, at 12:24 AM, CAD call remarks noted, "3 MIN[UTE]S AGO, SECURITY PUNCHED INTOX[ICATED] MALE IN THE FACE, NO [WEAPONS], SECURITY GUARD STILL AT LOCATION."

The named employees responded to the incident location and activated their BWV, capturing the following:

NE#2 interviewed CM#1 outside a bar. CM#1 had visible injuries on his face. CM#1 said CM#2 punched him, which CM#1 described as unprovoked. CM#1 appeared unwilling to answer NE#2's questions. CM#1 stated to NE#2, "I shouldn't be here." "you guys shouldn't waste your time with this." NE#2 photographed CM#1's injuries. NE#1 also took photos of CM#1. Seattle Fire Department (SFD) employees evaluated CM#1. CM#1 then clarified what happened, saying CM#2 kicked him out of the bar for reasons unknown to him, then assaulted him when he wanted to go back into the bar. American Medical Response employees transported CM#1 to a hospital.

NE#1 and NE#3 arrived at the scene around the same time NE#2 arrived. The Complainant approached NE#3 and described the assault, saying CM#1 pushed CM#2, then CM#2 punched CM#1 four or five times. The Complainant said CM#2 "almost killed" CM#1, causing the Complainant to intervene. The Complainant followed NE#1 and NE#3 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 CM#1 attempted to reenter the bar, so CM#2 grabbed CM#1, causing an altercation. CM#2 said he "socked" CM#1, ending the altercation. CM#2 stated his neck chain broke during the scuffle. CM#2 declined an SFD evaluation. CM#2 did not want to trespass CM#1.

NE#2's incident report was consistent with the events captured on BWV.

On November 1, 2023, OPA interviewed the Complainant. The Complainant said CM#2 nearly beat CM#1 to death. The Complainant alleged that the named employees conducted an unthorough assault investigation.

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 the named employees 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.*

Here, NE#2 interviewed CM#1 while NE#1 and NE#3 interviewed CM#2. NE#2 photographed CM#1's injuries and requested an SFD evaluation on CM#1. CM#1 and CM#2 provided conflicting accounts about the altercation. One witness—the Complainant—suggested CM#2 was the primary aggressor while other witnesses appeared to corroborate CM#2's account that CM#1 initiated the altercation. Based on the conflicting accounts and CM#1's hesitance to cooperate in the investigation, the named employees arrested no one but documented the incident in a report. While the named employees' investigation was generally thorough, they should have sought video evidence inside the bar or from bar patrons. A training referral is recommended under these circumstances.

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

- **Training Referral:** NE#1's, NE#2's, and NE#3's chain of command should discuss OPA's findings with the named employees, review SPD Policy 15.180-POL-1 with the named employees, and provide any other retraining and counseling it deems necessary. Any retraining and counseling should be documented and maintained in Blue Team.

Recommended Finding: **Not Sustained - Training Referral (Expedited)**

Named Employee #2 – Allegation #1

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

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

- **Training Referral:** NE#1's, NE#2's, and NE#3's chain of command should discuss OPA's findings with the named employees, review SPD Policy 15.180-POL-1 with the named employees, and provide any other retraining and counseling it deems necessary. Any retraining and counseling should be documented and maintained in Blue Team.

Recommended Finding: **Not Sustained - Training Referral (Expedited)**

Named Employee #3 – Allegation #1

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

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

- **Training Referral:** NE#1's, NE#2's, and NE#3's chain of command should discuss OPA's findings with the named employees, review SPD Policy 15.180-POL-1 with the named employees, and provide any other retraining and counseling it deems necessary. Any retraining and counseling should be documented and maintained in Blue Team.

Recommended Finding: **Not Sustained - Training Referral (Expedited)**