



CLOSED CASE SUMMARY

ISSUED DATE: JULY 19, 2024

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

CASE NUMBER: 2024OPA-0073

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	15.180 - Primary Investigations, 15.180-POL-1. Officers Shall Conduct a Thorough and Complete Search for Evidence	Not Sustained - Training Referral (Expedited)
# 2	5.001 - Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional	Not Sustained - Unfounded

Named Employee #2

Allegation(s):		Director's Findings
# 1	15.180 - Primary Investigations, 15.180-POL-1. Officers Shall Conduct a Thorough and Complete Search for Evidence	Not Sustained - Unfounded
# 2	5.001 - Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional	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 that Named Employee #1 (NE#1) and Named Employee #2 (NE#2) failed to thoroughly investigate her report that Community Member #1 (CM#1) threatened to shoot her. The Complainant also alleged the named employees were rude and unprofessional.

ADMINISTRATIVE NOTE:

On June 26, 2024, OIG certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

The Complainant filed a complaint with the King County Office of Law Enforcement Oversight (OLEO). OLEO referred it to OPA. The Complainant wrote that after she reported that CM#1 threatened to kill her, the named employees "told me that there was nothing they could do about it." OPA spoke with the Complainant, who indicated that CM#1 CM#1 openly carries a firearm and threatened to shoot her with it. The Complainant said the named employees responded but did nothing. The Complainant said the officers banned her from returning to CM#1's property even though she was on a public sidewalk. The Complainant also alleged that when she entered her car, an officer told her he could arrest her for having a suspended license but refused to explain why her license was suspended.

OPA investigated the complaint, reviewing the computer-aided dispatch (CAD) call report, field contact report, and body-worn video. OPA also interviewed the Complainant and the named employees.



The named employees responded to CM#1's 9-1-1 call, reporting that the Complainant refused to leave his property. CM#1 also reported that the Complainant refused to leave a "few days ago."

BWV captured the named employees' investigation. At the scene, the named employees spoke with the Complainant, her boyfriend (Community Member #2 or CM#2), and CM#1.

The Complainant reported stopping by a "shop" CM#1 owns to find CM#2, who worked and lived there. The Complainant said CM#1 told her, "If you come onto my property, I'm going to fucking shoot you and kill you," while shaping his hand like a gun and aiming at the Complainant, causing her to fear for her safety. The Complainant reported that a stranger who had left witnessed CM#1's threat. She said the witness walked toward a restaurant across the street. CM#1 denied threatening the Complainant. CM#1 said he told the Complainant he would call the police because the Complainant was not welcome on his property. NE#2 told the Complainant that CM#1 would not be arrested since CM#1 only threatened to defend his property.

At the end of their investigation, the named employees approached the Complainant—sitting in the driver's seat of a running vehicle—and told her she was banned from CM#1's property. The Complainant responded, "I don't give a fuck." The named employees also told the Complainant that her driver's license was suspended and that she should not be driving. The Complainant asked why her license was suspended, and the named employees stated they did not know. NE#2 told the Complainant that she could face penalties if caught driving and that he did not want her to get "jammed up." The Complainant responded, "I don't give a fuck."

NE#1 wrote a field contact report about the incident, consistent with the abovementioned evidence.

OPA interviewed the named employees, whose accounts were consistent with BWV. OPA also interviewed the Complainant, whose statement was generally consistent with her complaint. However, during her OPA interview, the Complainant specified that CM#1 had a handgun on his right hip when he threatened her. BWV showed that CM#1 wore a form-fitting short jacket, and no firearm was evident.



CM#1 viewed from the front.



CM#1 viewed from the left.



CM#1 viewed from the left.

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 failed to conduct a thorough investigation.

Officers must conduct a thorough and complete search for evidence in primary investigations. See SPD Policy 15.180-POL-1.

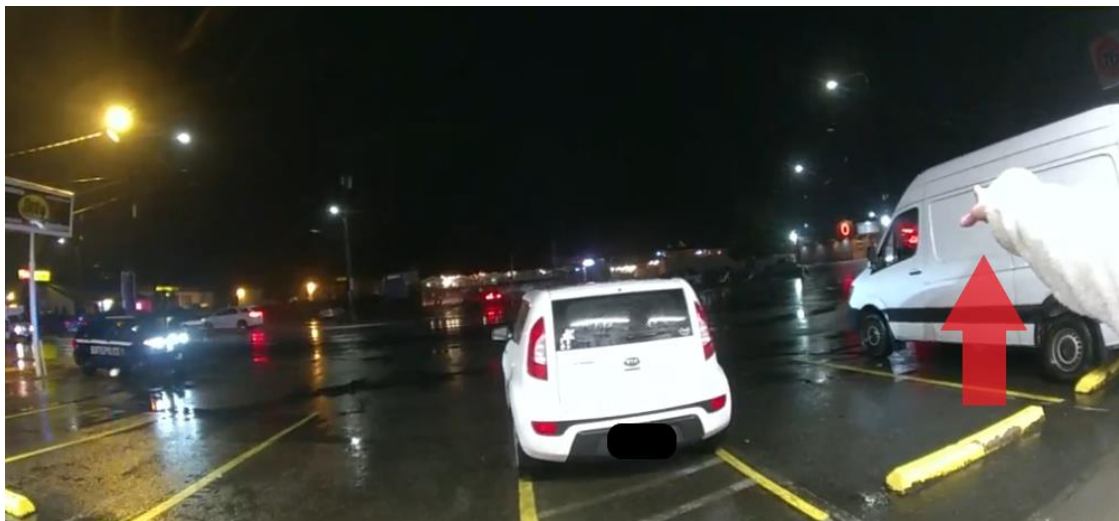
During their primary investigation, the named employees interviewed the Complainant, CM#1, and CM#2. They also reviewed text messages that CM#1 provided.¹ However, NE#1's investigation missed the opportunity to collect essential evidence.

NE#1 did not attempt to locate the purported eyewitness the Complainant mentioned. An independent eyewitness could have provided important information. However, NE#1 did not ask for the witness' description or attempt to locate her. When OPA asked NE#1 whether his inactions violated policy, NE#1 replied, "Yes and no." He acknowledged that he could have done more to identify and locate the witness but noted that he interviewed the parties at the scene.²

NE#1's failure to identify and locate the purported eyewitness violated policy, but it did not constitute serious misconduct under the circumstances. Overall, the named employees conducted a thorough investigation, speaking to the three present witnesses for about twenty minutes. The eyewitness was gone, and the Complainant did not indicate that she knew the woman. The Complainant only stated that CM#1 was "talking to this other little girl that was on the property too" and "I don't know where she went. She went over there somewhere," indicating across Aurora Avenue.

¹ They were purportedly messages from CM#2 about him hosting a party at the property.

² BWV showed there was no other woman visible when the officers arrived.



The Complainant (red arrow) indicated across Aurora Avenue.

NE#1 asked whether the woman walked towards a restaurant or into the tiny village nearby. The Complainant did not know. While NE#1 should have sought more information about this potential witness, locating her was unlikely.

Accordingly, OPA recommends this allegation against NE#1 be Not Sustained – Training Referral.

- **Training Referral:** NE#1's chain of command should review OPA's findings and SPD Policy 15.180-POL-1 with NE#1 and provide retraining and counseling deemed appropriate. Any retraining and counseling should be documented in Blue Team.

Recommended Finding: **Not Sustained - Training Referral**

Named Employee #1 - Allegation #2

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

The Complainant alleged the named employees were unprofessional.

SPD employees must "strive to be professional." SPD Policy 5.001-POL-10. "Employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers," whether on or off duty. *Id.* Employees must also "avoid unnecessary escalation of events even if those events do not end in reportable uses of force." *Id.* Further, "Any time employees represent the Department or identify themselves as police officers or Department employees, they will not use profanity directed as an insult or any language derogatory, contemptuous, or disrespectful toward any person." *Id.*

The Complainant said the named employees refused to tell her why her license was suspended, saying, "I don't have to fucking tell you that, and I don't know why." The Complainant also said an officer threatened to "fucking arrest her" if she returned to CM#1's property. However, BWV dispelled both claims. Instead, it showed that NE#1 and NE#2 exercised great patience with the Complainant, who was combative. Moreover, OPA reviewed the Complainant's Washington Department of Licensing records, showing that her license was suspended or revoked without a listed reason.



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 1. Officers Shall Conduct a Thorough and Complete Search for Evidence

For the reasons articulated above at Named Employee #1, Allegation #1, OPA recommends this allegation against NE#2 be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained - Unfounded**

Named Employee #2 - Allegation #2

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

For the reasons at Named Employee #1 – Allegation #2, OPA recommends this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained - Unfounded**