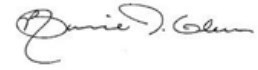

Issued Date: NOVEMBER 5, 2024

From: Deputy Director Bonnie Glenn on Behalf Of Director Gino Betts, Jr.
Office of Police Accountability



Case Number: 2024OPA-0215

Allegations of Misconduct & Director's Findings

Named Employee #1

- 1. Allegation #1:** 5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional
Finding: Not Sustained - Unfounded (Expedited)
- 2. Allegation #1:** 5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing
Finding: Not Sustained - Unfounded (Expedited)
- 3. Allegation #1:** 5.001 – Standards and Duties, 5.001-POL-2. Employees Must Adhere to Laws, City Policy, and Department Policy
Finding: Not Sustained - Unfounded (Expedited)

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections may be written in the first person.

Executive Summary:

Named Employee #1 (NE#1) responded to a collision involving the Complainant and Community Member #1 (CM#1). The Complainant alleged that NE#1 was unprofessional, sexually assaulted her, and was racially biased against her.

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 employee. As such, OPA did not interview the named employee in this case.

On July 17, 2024, OIG certified OPA's investigation as thorough, timely, and objective.

Summary of Investigation:

A. OPA Complaint

On May 13, 2024, the Complainant submitted an OPA complaint regarding NE#1's response to a car accident. The Complainant described NE#1 as aggressive, intimidating, and antagonizing, making her feel uncomfortable and unsafe. The Complainant alleged that NE#1 racially discriminated against her by blaming her for the accident.

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

B. CAD Call Report, BWV, and Police Traffic Collision Report

On May 13, 2024, at 10:52 AM, CAD call remarks noted, "[JUST OCCURRED], 2 VEH[ICLE] COLLISION, [REPORTING PARTY'S] UNCLE REQ[UEST]ING MEDICS SCREENING FIRE."

NE#1's BWV captured the following:

NE#1 drove to an Interstate 5 off-ramp where the Complainant's car and CM#1's car were parked adjacent to each other in the center lane. The Seattle Fire Department (SFD) was on scene. An SFD employee directed the Complainant to move her car in front of the firetruck. The Complainant asked if she could "pull over there." NE#1 and the Complainant had the following exchange:

NE#1: *He just instructed you to move it over there. I'm just going to let you know this is being recorded. Okay? And it'll go much better if you cooperate and don't have attitude problems.*

Complainant: *One second. Who do you think you're talking to? I don't give a fuck who you are. Your badge means nothing to me. So, if you understand that, we'll get along much better. Okay?*

NE#1: *Okay.*

Complainant: *Alrighty. So, I'm gonna do what he – I'm gonna do what he asked me to do. Shut up! [Unintelligible - NE#1 and the Complainant spoke over each other. NE#1 repeatedly told her to move her car.] he's asking me to do, you dumb fuck. You don't scare me, and you don't intimidate me. I thought you should know that. Yes, you are here to intimidate me, bitch. You don't intimidate me! You don't intimidate me! Get out of my fucking face! Get out of my face! [The Complainant pointed her finger at NE#1's face.] Get out of my face, bitch! You don't intimidate me. I'm gonna do exactly what the fuck I was supposed to do. You're keeping me from doing that. You're keeping me from doing that.*

The Complainant and CM#1 moved their cars to the side of a road. NE#1 approached the Complainant, who confirmed she was the car's registered owner. NE#1 asked the Complainant whether she was injured, but she raised her hand at NE#1, walked away, and spoke to an SFD employee next to CM#1. NE#1 approached and gestured to the Complainant to move. NE#1 and the Complainant had the following exchange:

Complainant: *Don't you – get out of my fucking face. [The Complainant raised her phone and began recording NE#1.]*

NE#1: *Go back to your car.*

Complainant: *Get out of my face! You don't scare me!*

NE#1: *You have no – you have no business being out here. Go back to your car.*

Complainant: *Get out of my face! It is my job to get his insurance, you asshole!*

NE#1: *No, it's not. It's my job.*

Complainant: *No, it's not.*

NE#1: *[NE#1 pointed to the Complainant's car and pressed his other hand against her arm.] Over to the car.*

Complainant: *I just – the man just told me on the fucking phone when I called 911, so shut your bitch ass up! You don't scare me. You don't intimidate me.*

NE#1: *I'm not here to scare you.*

Complainant: *You're trying to. You're putting your body in my fucking face as if that intimidates me. [NE#1 and the Complainant spoke over each other, but what NE#1 said was unintelligible. NE#1 appeared to have suggested that his job was to investigate a collision and ensure that SFD could do its job]. You are because of what? You are – your job is to intimidate me. You're trying to fucking intimidate me. Get out of my face. Back the fuck up and let me do what I need to do! If you back the fuck up so that I feel safe. [The Complainant repeatedly pointed at NE#1 during the exchange.]*

NE#1: *What you need to do is go back to your car.*

Complainant: *Back up! I'm not turning around with you at my back, bitch. I don't know you. Duh! I'm not turning around with you at my back. [NE#1 and the Complainant spoke over each other, but what NE#1 said was unintelligible. NE#1 appeared to have suggested that the Complainant had no concern when she previously walked past him].*

NE#1: *Turn around and walk back to your car.*

Complainant: *Stop trying to intimidate me. Yeah, it's what the fuck I thought. Exactly, bitch. [The Complainant turned around and walked toward her car. NE#1 followed.] Thinking you're running shit. You pull that shit with your wife at home. Your job – that blue means fucking nothing to me.*

NE#1: *I appreciate your attitude.*

Complainant: *Shut up. I appreciate your fucking insensitivity, bitch ass. Trying to tell me what the fuck to do. Just got into a fucking accident, and you're acting as if I'm the one wrong, ho.*

NE#1: *I haven't determined who's wrong yet.*

Complainant: *Shut up! Shut up! You had an attitude when you pulled the fuck up, thinking you could tell me what the fuck to do and, because you can't, you're mad.*

NE#1 asked for the Complainant's name and birthdate. The Complainant said her car was registered to her and told NE#1 to "go do his fucking job." The Complainant began approaching CM#1, but NE#1 ordered the Complainant to return to her car and said, "This doesn't end well if you don't follow directions." The Complainant insisted she needed to obtain CM#1's insurance information and said, "Is it against the law for me to stand right here? No! Then shut up!" NE#1 repeated his order and then approached CM#1. The Complainant followed and asked NE#1, "Am I waiting by my car 'cause you told me to?" NE#1 replied, "You can run on the freeway for all I care." The Complainant said, "I can, and I will. I wouldn't give a fuck if you ran and got hit by a car either. Okay? Understand that, bitch ass."

NE#1 obtained CM#1's information and then reapproached the escalated Complainant and attempted to obtain her information. The Complainant was noncooperative and taunted NE#1. Several minutes later, the Complainant handed NE#1 her registration and called him a "fucking bitch." NE#1 replied, "Duly noted." The Complainant also provided other documentation and information. NE#1 provided business cards and pertinent information to both parties. NE#1 thanked the Complainant for her "semi-cooperation" and ended the contact once the Washington State Patrol arrived.

NE#1's police traffic collision report was consistent with BWV observations. NE#1 wrote, "From the lack of cooperation of [the Complainant] and language barrier with [CM#1], I was unable to determine who was the at fault driver in this incident. Neither driver was ticketed at the scene and [the Complainant] was let off with a warning for no proof of insurance in the vehicle or on her phone."

C. OPA Interview

On May 17, 2024, OPA interviewed the Complainant. The Complainant said NE#1 and SFD responded to a collision but tended to CM#1, a Hispanic male, not her, a Black female. The Complainant said NE#1 flexed his badge, tried to intimidate her, and was rude. The Complainant alleged that NE#1 sexually assaulted her by pushing his body against hers and placing his genitals on her leg. The Complainant said NE#1 told her to run into the freeway to kill herself. The Complainant believed NE#1 was a racist white officer who asserted his power.

Analysis and Conclusions:

Named Employee #1 – Allegation #1

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

The Complainant alleged that NE#1 was aggressive, intimidating, and antagonizing.

SPD employees must "strive to be professional." SPD Policy 5.001-POL-10. Further, "employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers," whether on or off duty. *Id.* 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 that is derogatory, contemptuous, or disrespectful toward anyone. *Id.*

The Complainant appeared to be upset over NE#1 suggesting she cooperate and “don’t have attitude problems.” As reflected in the dialogue above, the Complainant continually berated and swore at NE#1. NE#1 did not reciprocate such conduct but, instead, tried to separate the involved parties and investigate the collision under difficult circumstances. The Complainant reacted to NE#1 with escalation, noncompliance, and noncooperation. Overall, OPA found insufficient evidence suggesting NE#1 was aggressive, intimidating, or antagonizing throughout his encounter with the Complainant.

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

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

Named Employee #1 – Allegation #2

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

The Complainant alleged that NE#1 was racially biased against her.

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 treatment 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.

NE#1 did not mistreat the Complainant based on race. BWV captured NE#1 asking whether the Complainant required medical attention. It also captured NE#1 interviewing CM#1 and attempting to interview the Complainant. However, the Complainant was escalated, argumentative, and noncooperative. As noted above, NE#1 did not reciprocate such conduct but, instead, investigated the collision and provided both parties with pertinent information. As reflected in BWV observations and NE#1’s police traffic collision report, NE#1 faulted neither party. NE#1 also exercised unbiased discretion by warning—not citing—the Complainant for failing to produce insurance documentation. OPA found no evidence suggesting a racially biased police interaction.

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

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

Named Employee #1 – Allegation #3

5.001 – Standards and Duties, 5.001-POL-2. Employees Must Adhere to Laws, City Policy, and Department Policy

The Complainant alleged that NE#1 sexually assaulted her.

Employees must adhere to laws, city policy, and department policy. SPD Policy 5.001-POL-2.

The Complainant alleged that NE#1 pushed his body against hers and placed his genitals on her leg. No such contact was depicted on BWV. NE#1 never pushed his body against the Complainant's. The only physical contact captured on BWV was when NE#1 pressed his hand against the Complainant's arm, directing her to return to her car. OPA found no evidence supporting this allegation.

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

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