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From: Interim Director Bonnie Glenn
Office of Police Accountability



Case Number: 2024OPA-0296

Allegations of Misconduct & Director's Findings

Named Employee #1

- 1. Allegation #1:** 5.001 - Standards and Duties POL-10. Employees Will Strive to be Professional
Finding: Not Sustained - Unfounded
- 2. Allegation #2:** 15.180, Primary Investigations, 15.180-POL-5, Officers Shall Document all Primary Investigations on a Report
Finding: Not Sustained - Unfounded
- 3. Allegation #3:** 16.090-POL 1 Recording with ICV and BWV 5. Employees Recording Police Activity b. When Sworn Employees Record Activity
Finding: Not Sustained - Unfounded

Named Employee #2

- 1. Allegation #1:** 15.180, Primary Investigations, 15.180-POL-5, Officers Shall Document all Primary Investigations on a Report
Finding: Not Sustained - Unfounded
- 2. Allegation #2:** 5.001 - Standards and Duties POL-10. Employees Will Strive to be Professional
Finding: Not Sustained - Unfounded

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:

The Complainant alleged Named Employee #1 (NE#1) and Named Employee #2 (NE#2) were rude and refused to take his report of assault. It was also alleged NE#1 failed to activate his BWV when required by policy.

Administrative Note:

On December 5, 2024, OIG certified OPA's investigation as thorough, timely, and objective.

Summary of Investigation:

OPA investigated the Complaint by reviewing the OPA complaint, computer-aided dispatch (CAD) call reports, incident reports, and body-worn video (BWV). OPA also interviewed both named employees. OPA attempted to contact the Complainant by phone and email multiple times, but the complainant did not respond. Accordingly, OPA did not interview the Complainant.

OPA determined that, more likely than not, the following occurred.

The named employees were working an emphasis around the Pike and Pine intersection. The named employees were both primarily on foot but assigned patrol vehicles as this was only for a short portion of their shift.

NE#1 observed the Complainant several times while he was patrolling the area on foot. The Complainant was first observed by NE#1 when he heard and then saw him yelling incoherently in the middle of the street. NE#1 recalled the Complainant and did not remain in the street long as he appeared to be slowly crossing the street while yelling. NE#1 recalled that, at that time, there was no crime being reported nor was any crime observed.

NE#1 continued with his assigned patrol duties. As he continued in the area, the Complainant approached again, but this time demanding NE#1 arrest all the security guards at the nearby Target. NE#1 stated this was an unreasonable request as the Complainant never described why he wanted that and just kept yelling his demands repeatedly. Instead, NE#1 explained to NE#2 his understanding of the situation: the Complainant had been trespassed from a Target store and wrongly believed it was an assault because the trespass was not signed off on by a judge.

NE#1 continued with his patrol and came across a male in a wheelchair with a long sword. Since the sword is illegal in Washington and dangerous, NE#1 explained he focused on this matter. NE#2 backed him on this incident. Both named employees' BWV was activated during this incident. The Complainant approached NE#1 repeatedly as NE#1 sought to address the male armed with a sword. NE#1 asked the Complainant to keep a distance until the matter was handled and the NE#1 would address the Complainant's concerns. The Complainant refused to comply, continuing to interfere with NE#1's investigation. NE#1 remained patient, addressing the Complainant as "Sir," telling the Complainant to wait until he was done. The Complainant refused. NE#1 informed the Complainant that he was interfering with his investigation. At this time, NE#2 was also on scene, briefly addressed the Complainant, and confirmed he had the Complainant's contact information and would attend to him shortly. NE#2 also requested the Complainant wait. The Complainant walked away southbound.

About an hour later, the Complainant flagged down an SPD sergeant at SPD headquarters. The sergeant broadcasted the contact, and NE#1 updated the sergeant over radio. NE#1 first informed the sergeant that a report had been completed. It was later discovered that the report was not, and NE#1 mistakenly assumed NE#2 was able to gather enough information from the

Complainant to complete a report. Once it was confirmed that the report had not been completed, the sergeant completed the report and issued the Complainant an incident case number. The complainant had no visible injuries, and the nature of his allegations suggested he was removed from Target for shoplifting. When the sergeant asked about the alleged assault, the Complainant alleged his phone fell or was knocked from his hand by Target security, which the Complainant considered an assault. The sergeant followed up with Target the next day. Target Security confirmed the interactions but did not suggest there was any assault. Target Security agreed to provide BWV of the underlying incident.

Analysis and Conclusions:

Named Employee #1 – Allegation #1

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

The Complainant alleged the named employees were rude and showed him “no respect.”

SPD Policy 5.001-POL-10 requires that SPD employees “strive to be professional.” The policy further instructs that “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers” whether on or off duty. SPD Policy 5.001-POL-10. Additionally, the policy instructs Department employees to “avoid unnecessary escalation of events even if those events do not end in reportable uses of force.” *Id.* Furthermore, the policy states: “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 any person.” *Id.*

This allegation is unfounded. Both named employees denied being rude to the Complainant, and BWV corroborated this. Instead, BWV showed the named employees were attempting to address more immediate concerns—including a suspicious circumstance and a male armed with an illegal blade—and needed to redirect the Complainant, who repeatedly interfered with their investigations. Instead of waiting for the named employees, as NE#2 requested, the Complainant walked away and was assisted by the SPD sergeant about an hour later.

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

Recommended Finding: **Not Sustained – Unfounded**

Named Employee #1 – Allegation #2

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 document their primary investigation on a report.

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.

This allegation is unfounded. The evidence showed, more likely than not, the named employees were not aware the Complainant was reporting a crime and, instead, understood he was dissatisfied with having been trespassed from the Target store. After the named employees became aware the Complainant wanted to report something, NE#2 reasonably instructed him to wait until they finished addressing a more urgent issue. NE#2 also confirmed with the Complainant that he had his phone number. The Complainant refused to wait and walked away. The named employees were not obligated to document this interaction because the named employees—who were occupied with managing other incidents—were unable to begin a primary investigation because the Complainant left the area.

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

Recommended Finding: **Not Sustained – Unfounded**

Named Employee #1 – Allegation #3

16.090-POL 1 Recording with ICV and BWV 5. Employees Recording Police Activity b. When Sworn Employees Record Activity

It was alleged that NE#1 failed to record when required by policy.

SPD Policy states that when safe and practical, employees will record “questioning [of] victims, suspects, or witnesses.” SPD Policy 16.090-POL-1(5)(b).

This allegation is unfounded. As an initial matter, NE#1 fully recorded the two incidents he was handling, during which the Complainant approached and interfered. The only instance that NE#1 allegedly failed to record was his very first interaction with the Complainant. NE#1 explained in his OPA interview that, while assigned to an emphasis patrol, the Complainant approached him yelling incoherently and, later, NE#1 yelled at him from across the street. NE#1 was not required to record these short, ambiguous street encounters.

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 articulated above at Named Employee #1, Allegation #1, OPA recommends this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained – Unfounded**

Named Employee #2 – Allegation #2

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

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

Recommended Finding: **Not Sustained – Unfounded**