



## ***CLOSED CASE SUMMARY***

ISSUED DATE: DECEMBER 10, 2022

FROM: DIRECTOR GINO BETTS  
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0181

### **Allegations of Misconduct & Director's Findings**

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties 5.001-POL 10. Employees Will Strive to be Professional	Not Sustained - Unfounded (Expedited)
# 2	5.140 - Bias-Free Policing 5.140-POL 2. Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded (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:**

The Complainant alleged Named Employee #1 (NE#1) made condescending remarks after the Complainant was assaulted. The Complainant alleged those comments were motivated by his race.

### **ADMINISTRATIVE NOTE:**

This case was designated an Expedited Investigation. That means OPA, with the Office of Inspector General's review and approval, believed it could reach and issue recommended findings based solely on its intake investigation without interviewing the involved employees.

### **SUMMARY OF INVESTIGATION:**

OPA reviewed the initial complaint, CAD records, the general offense (GO)/incident reports, and Body-Worn Video (BWV). Additionally, OPA interviewed the Complainant.

#### *a. Computer Aided Dispatch (CAD)*

OPA reviewed the CAD reports for both incidents referenced by the Complainant.

The January 7, 2022 call remarks noted:

*"AT THE BUS STOP... MALE WAS BEING ASLTED BY 4-5 MALES... 1 HOLDING A METAL STICK."*

NE#1 arrived approximately twelve minutes after the initial 911 call. At 2217 hours, the CAD report showed that NE#1 logged an arrest.



The February 22, 2022 call remarks noted:

*"INSIDE, CHK FOR MALE W/HATCHETT SAYING SOMEONE TRIED TO KILL HIM, NO OTHER WPNS BUT HAND IS DRIPPING BLOOD."*

NE#1 arrived approximately six minutes after the initial 911 call. The call was cleared with no arrests. NE#1 wrote the incident report.

*b. Incident Offense Reports*

OPA reviewed the GO reports for both incidents.

NE#1's partner, Witness Officer #1 (WO#1), wrote the report for the January 7, 2022 incident. WO#1 reported NE#1 and other officers located the Complainant aboard a King County Metro bus. WO#1 reported the Complainant stated a Capitol Hill Safeway security guard wielding a metal pipe struck his head, causing it to bleed. WO#1 reported officers reviewed security camera footage and interviewed witnesses. Officers determined the Complainant and security guard engaged in a "mutual fight" stemming from the security guard's belief the Complainant shoplifted. WO#1 reported the parties separated after the fight, but the security guard returned with a metal pipe and struck the Complainant's head. WO#1 described the Complainant as "argumentative" and wanting to immediately leave. WO#1 reported the security guard was arrested for robbery and assault.

NE#1 wrote the report for the February 22, 2022 call. NE#1 wrote the Complainant reported he was assaulted with a hatchet inside an apartment. NE#1 wrote the Complainant provided the suspects' first names and descriptions but could not recall the apartment number. NE#1 described the Complainant as "extremely agitated." NE#1 wrote he questioned occupants of a unit near where NE#1 observed blood stains, but the occupants did not match the Complainant's descriptions. NE#1 wrote he went to the next floor where he observed blood stains on the door frame of another apartment unit. NE#1 wrote he observed marks along the frame which he believed were consistent with a hatchet strike. NE#1 wrote he unsuccessfully attempted to contact the occupants of that apartment. NE#1 photographed his observations. NE#1 wrote Seattle Fire Department aided and transported the Complainant to a hospital.

*c. Body-Worn Video (BWV)*

OPA reviewed NE#1's BWV, which captured his interactions with the Complainant.

During the January 7, 2022, incident, NE#1 reviewed security footage which showed the security guard strike the Complainant with a metal pipe. The Complainant stated he wanted to leave the scene. NE#1 confirmed with another officer that the Complainant could be released. Following the Complainant's release, NE#1 arrested the security guard.

During the February 22, 2022, NE#1 questioned two people inside the apartment building where the Complainant stated he was attacked. Neither fit the Complainant's descriptions of the suspects. NE#1 screened a search warrant request for the apartment with blood stains and apparent hatchet marks on the door frame. That request was denied, and no search warrant was pursued.



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*d. Complainant's OPA Interview*

On July 6, 2022, OPA interviewed the Complainant. The Complainant recounted his encounter with the security guard. He stated NE#1 "did not do anything" to investigate the matter. The Complainant described NE#1 as "antagonistic, undermining, and sarcastic." He further stated NE#1 failed to provide information. The Complainant stated he checked with Safeway and the Seattle Police Department but neither found a police report for the incident.

The Complainant stated, during his second interaction with NE#1 on February 22, 2022, NE#1 minimized the Complainant's injuries. The Complainant recalled NE#1 suggesting, "you only got hit with an axe a couple of times." The Complainant also alleged NE#1 did not make arrests due to bias. He also alleged NE#1 also failed to write a report for that incident.

The Complainant acknowledged NE#1 did not reference his race, but the Complainant felt NE#1 was racist due to NE#1's demeanor and failure to make arrests.

**ANALYSIS AND CONCLUSIONS:**

**Named Employee #1 - Allegation #1**

***5.001 - Standards and Duties 10. Employees Shall Strive to be Professional***

The Complainant alleged NE#1 treated him with contempt.

SPD Policy 5.001-POL-10 requires SPD employees "strive to be professional." The policy states: "Any time employees represent the Department or identify themselves as police officers or Department employees, they will not use any language that is derogatory, contemptuous, or disrespectful toward any person." *Id.*

In its review of NE#1's interactions with the Complainant, OPA did not find NE#1 said or did anything which could reasonably be construed as contemptuous, derogatory, or dismissive towards the Complainant. The Complainant described NE#1 as treating him "like an idiot." Specifically, the Complainant alleged NE#1 minimized the Complainant's injuries following the hatchet attack. However, OPA did not find statements where NE#1 minimized the Complainant's injuries. Rather, NE#1 spoke to the Complainant in a calm and polite manner. In their interaction on January 7, 2022, the Complainant expressed a desire to immediately leave the scene. After NE#1 determined the Complainant was the victim, he was free to leave. The Complainant left prior to the security guard's arrest.

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 NE#1 engaged in bias-based policing.



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SPD policy prohibits biased policing, defined as “the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws as well other discernible personal characteristics of an individual.” SPD Policy 5.140-POL. This includes different treatment based on the race of the subject. *See id.*

The Complainant could not articulate why he felt NE#1’s bias was predicated on the Complainant’s race. He only stated NE#1 treated him with contempt and did not diligently investigate crimes against the Complainant.

In both instances, NE#1 took investigative steps the Complainant did not witness. During their interaction on January 7, 2022, the Complainant left the scene prior to NE#1 arresting the security guard. Following their interaction on February 22, 2022, the Complainant was transported to a hospital. Thereafter, NE#1’s investigation included interviewing two on scene community members and potentially located the scene of the assault. NE#1 also documented and photographed evidence. Further, NE#1 requested a search warrant for the apartment where the assault may have occurred after the occupants refused consensual entry. The Complainant stated he believed NE#1 was biased because he failed to provide the Complainant desired outcome. However, in the first instance, NE#1 did in fact make an arrest. In the second instance, NE#1’s investigation concluded without an arrest due to factors outside his control. Overall, OPA did not find NE#1 demonstrated bias towards any of the Complainant’s discernible characteristics.

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

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