



## CLOSED CASE SUMMARY

ISSUED DATE: MARCH 21, 2023

FROM: DIRECTOR GINO BETTS   
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0315

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

Named Employee #1

| Allegation(s): |   | Director's Findings          |
|----------------|---|------------------------------|
| # 1            | 5.001 - Standards and Duties 5.001-POL 2. Employees Must Adhere to Laws, City Policy and Department Policy. | Not Sustained - Inconclusive |

***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 an unidentified SPD officer—Unknown Employee #1 (UE#1)—assigned to guard her at a hospital sexually assaulted her.

### **SUMMARY OF INVESTIGATION:**

Witness Employee #1 (WE#1) wrote an incident report for the Complainant's arrest. In summary, WE#1 he and Witness Employee #2 (WE#2) saw the Complainant smoking what appeared to be a meth pipe. They stopped and detained her. Those officers learned she had an unverified felony harassment warrant. The Complainant told them she swallowed fentanyl. The officers requested the Seattle Fire Department for medical assistance and hospital transport. The Complainant's warrant was later verified, and officers guarded her at Hospital #1 until she was ready to be taken to jail for the active felony warrant. Witness Employee #3 (WE#3) wrote a supplemental report stating the Complainant was transported from Hospital #1 to jail by Witness Employee #7 (WE#7), where she was rejected for booking and taken to Hospital #2. WE#3 wrote he guarded her at Hospital #2. WE#3's report documented while at Hospital #2, the Complainant said an unknown officer at Hospital #1 sexually assaulted her.<sup>1</sup> Specifically, WE#3 wrote the Complainant said her offender touched her groin while masturbating. The Complainant described her offender as White or Hispanic, 6' tall, muscular, with blue gloves. She also said no hospital staff witnessed the crime. Witness Employee #4, an acting sergeant, responded and spoke with the Complainant. WE#4 sent OPA Blue Team notice about the Complainant's reported sexual assault. WE#4's Blue Team communication stated the Complainant said her offender touched her genitalia while touching his own. She described him to WE#4 as taller than 6'2", muscular, and White or Hispanic.

OPA's review of Computer-Aided Dispatch records identified the officers involved in the Complainant's arrest and those on hospital guard. The arresting officers and the last officer on hospital guard were female. Two male officers were on hospital guard: Witness Employee #5 (WE#5), a Middle Eastern and under 6' tall, and Witness Employee #6

<sup>1</sup> The was no body-worn video inside the hospital, pursuant to SPD Policy 16.090(5): "Employees will not record in restrooms, jails and the interiors of medical, mental health, counseling or therapeutic facilities unless for a direct law enforcement purpose."



(WE#6), a tall Black man with a dark complexion. BWV showed WE#5 wore white gloves before entering Hospital #1, and WE#6 wore blue gloves:



OPA attempted to call the Complainant to schedule an interview, but her listed phone number was disconnected. OPA sent an interview request letter to her last known address but has not received a response. OPA interviewed WE#2, WE#5, WE#6, and WE#7. WE#1 was not interviewed due to conflicting training, and WE#3 was not interviewed because he was uninvolved until after the Complainant outcried. WE#5 and WE#6 recalled the hospital guard shift, but neither remembered anything notable about it.

#### **ANALYSIS AND CONCLUSIONS:**

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

##### ***5.001-POL 2. Employees Must Adhere to Laws, City Policy and Department Policy.***

The Complainant alleged NE#1 was dishonest during CM#3's interview by stating CM#1 resisted CM#3 by holding her pants.

Employees must adhere to laws, City policy, and Department policy. SPD Policy 5.001-POL-2.

Here, WE#5 and WE#6 were the only men assigned to guard the Complainant at Hospital #1. However, neither was consistent with the descriptions she gave WE#3 and WE#4: White or Hispanic, over 6' tall, and muscular. Specifically, WE#5 told OPA he was 5'9", 160 pounds, and Middle Eastern. Further, while notable but far from dispositive, BWV showed he wore white gloves, whereas the Complainant said her offender wore blue gloves. Similarly, WE#6 told OPA he was 6'5", 230-240 pounds, and Black. Moreover, WE#6 is dark-complexioned, unlike the White or Hispanic offender the Complainant described.

Accordingly, OPA recommends this allegation be Not Sustained - Inconclusive.

Recommended Finding: **Not Sustained - Inconclusive**