



CLOSED CASE SUMMARY

ISSUED DATE: APRIL 4, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0330

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
# 2	5.140 - Bias-Free Policing, 5.140-POL-2 Officers Will Not Engage in Bias-Based Policing	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's daughter was a homicide victim. Named Employee #1 (NE#1) was assigned to investigate that crime. The Complainant alleged NE#1 failed to maintain regular contact with her throughout the investigation. The Complainant also alleged the investigation's lack of progress was due to her daughter's race.

SUMMARY OF INVESTIGATION:

In May 2017, the Complainant's daughter (Community Member #1 or CM#1) was tragically murdered. SPD's ongoing investigation started at that time. NE#1, the homicide detective, was assigned from the start. It remains an open homicide investigation. No one has been charged with the crime.

The Complainant has actively and understandably sought frequent updates about the investigation, but details are limited to protect the ongoing investigation's integrity. The Complainant filed at least three prior OPA complaints concerning her inability to receive updates from SPD and other issues:

- OPA case 2017OPA-0923- opened on September 6, 2017, and closed on October 3, 2017, as a Supervisor Action.
- OPA case 2017OPA-1002- opened on September 27, 2017, and closed as a Supervisor Action on November 20, 2017. The Complainant alleged NE#1's sergeant failed to call her back.
- OPA case 2017OPA-1003- opened on September 27, 2017. The Complainant alleged officers inadequately investigated the homicide, failed to render timely medical aid to CM#1, and behaved unprofessionally at the crime scene. Those allegations were not sustained. That OPA case proceeded to a full investigation and closed on March 31, 2020.



On October 5, 2022, the Complainant initiated this OPA complaint. She expressed continued concerns about the investigation. The Complainant alleged NE#1 stopped investigating her daughter's murder and refused to communicate with the Complainant. The Complainant also alleged the investigation's lack of progress was due to her daughter's race.

OPA investigated NE#1's alleged refusal to communicate with the Complainant and bias-based policing. During its investigation, OPA reviewed the OPA complaint and interviewed the Complainant, SPD's homicide lieutenant (Witness Supervisor #1 or WS#1), and NE#1. OPA also reviewed computer-aided dispatch (CAD) data for the underlying crime. However, all other reports and documents were restricted due to the case's active status.

a. OPA Interview – Complainant

OPA interviewed the Complainant on October 13, 2022. The Complainant acknowledged she filed previous OPA complaints about the investigation but said this complaint was distinct.

The Complainant stated she tried to stay in "close contact" with NE#1, but it was challenging. The Complainant explained a "major lack of communication and time gaps between updates" over the years, but that recently become "more severe." The Complainant also stated she regularly contacted the assigned prosecutor (SDPA#1), who provided updates. The Complainant believed NE#1 and SDPA#1 were not on the same page.

The Complainant said she repeatedly requested callbacks from NE#1, but he rarely complied. The Complainant alleged that when NE#1 called back, he did not provide "any clear information" and gave her "the runaround." The Complainant also said NE#1 failed to progress the investigation. The Complainant found NE#1's behavior "unprofessional, thoughtless and cold-hearted."

The Complainant said SDPA#1 there would be a "fresh set of eyes" assigned to investigate the case because NE#1 "had too much going on." The Complainant said she inquired but was never told who the new detective would be. The Complainant also stated NE#1 and SDPA#1 later indicated the reassignment was denied.

The Complainant estimated she spoke with NE#1 four or five times over the past year. She estimated five to seven contacts with SDPA#1 over that period. The Complainant stated NE#1 had no time for the case and made her go through SDPA#1.

The Complainant also suggested CM#1's race affected the investigation. The Complainant stated a victim advocate told her the delay was "ridiculous" and the advocate "didn't know if it was because [CM#1] was Black." The Complainant elaborated, "My daughter was just a little Black girl [that] didn't matter." The Complainant expressed NE#1 was not doing the job how it should be done.

b. OPA Interview – Witness Supervisor #1

OPA interviewed WS#1 on January 19, 2023. WS#1 worked for SPD for twenty-four years, overseeing the Homicide/Assault Unit for about two years. WS#1 explained the unit had seventeen detectives and three sergeants.

WS#1 said homicide investigations often "take a very, very long time to put together, and that's dependent on different things." WS#1 continued, "There really is not a norm. Each case is very unique." WS#1 also summarized the



homicide investigation process, starting with the initial call-out, then a primary investigation, then the homicide investigation. WS#1 said the unit responds to scenes with a group of detectives. WS#1 said that as the case progresses, detectives identify witnesses and work closely with the King County Prosecuting Attorney's Office (KCPAO).

WS#1 described case classifications, such as open (active and ongoing), cleared by arrest, and cleared by exceptional circumstances (like the offender's death or a prosecutor's declination.) WS#1 stated that cases remain open even when leads are not forthcoming, or no suspect is identified, so they are not "just closed or shelved." WS#1 emphasized detectives keep assigned cases "until they leave the unit or retire," and detectives "still actively work on cases that are decades old. So, they're considered open and get focus and attention."

WS#1 said homicide detectives "generally keep their cases" because "it's difficult for a detective to try and pick up where somebody left off, try to understand the complexity of a case. You know, when these detectives spend hours and hours and so much of their lives working on these investigations, they know it inside and out and . . . it's not necessarily feasible or the best option to transfer a case to someone else."

WS#1 acknowledged, "Sometimes the state of an investigation reaches [the point where] the only option is waiting and hoping to get further information," but also said, "Sometimes we'll get information, sometimes somebody will call a tipline, or we'll talk to somebody in an unrelated case who has information." WS#1 explained when investigating a homicide, "there might come a point in time where you have exhausted all leads and you've spoken to all the potentially identifiable witnesses. There might be other impediments to pursuing charges."

WS#1 also explained victim advocates are "an important link between the victim's family, the court system, and the detectives." WS#1 said advocates "coordinate" with detectives and provide information and other support to affected families. He further noted, "There's a very delicate balance [when] communicating with a family because there are things that you can tell them and things that you can't tell them, and often that's very difficult."

WS#1 said he spoke with the Complainant a month or two before his OPA interview about her frustrations "for the better part of an hour about...What she was experiencing. What she was feeling." WS#1 described it as difficult "because you really can't provide any details that people often want you to provide, and it's frustrating. It's frustrating for them, and it's frustrating for us because we would certainly like to meet that need. But protecting the integrity of the investigation is absolutely paramount." WS#1 stated the conversation was "very positive." WS#1 noted the Complainant's frustration: "She wanted to know the details [and] the investigative steps that have been taken during the investigation." However, WS#1 said, "Those are details we couldn't tell her. Not only is she the mother of the victim, [but] she was a witness in this homicide, and we can't talk details about the case . . . to anybody outside of our very small group (detectives working on the case)." WS#1 stated, "The protection of the integrity of the investigation is paramount. We have one opportunity to seek prosecution in a murder case and be successful, and It's really important not to jeopardize that."

WS#1 stated he understood the Complainant "wants to know that her daughter matters and that that investigation matters. She wishes we were more transparent. She wants to know that work is being done on the case and that her daughter isn't forgotten." To that end, WS#1 stated an in-person meeting, including the Complainant and SDPA#1, was scheduled about a week after his OPA interview.

WS#1 said he did not know why no one was charged for CM#1's murder but noted common reasons are "there isn't enough evidence or witness information to establish probable cause that a particular person pulled the trigger."



WS#1 believed NE#1's investigation into CM#1's murder met department expectations. WS#1 added, "I think [NE#1] is thoughtful. I think he cares about the work that he does. He's a person of integrity. He is honest. He is hard working."

WS#1 explained why information for the case was restricted, stating:

When a murder investigation is open, it has not been turned over to the prosecutor to file charges. The integrity of the investigation is critical. We don't release details to the public. We don't release details to the media for that reason. We have to protect the integrity of the investigation. Because that really has a lot to do with the effectiveness of the case moving forward . . . We're very careful not to cause any kind of undue damage to a case that could potentially impact a just outcome.

WS#1 explained that prosecutors "[gather] information for themselves and the prosecution, but also in an advisory role depending on the circumstance." WS#1 believed SDPA#1 was involved in the case, but the case was not yet referred for charges.

Finally, WS#1 denied CM#1's race was a factor. WS#1 noted:

[NE#1] has a couple of things that the family gave him to remind him of the victim in this case. He has those on his desk that he looks at every day. To remind him of the importance of this case. You know . . . the detectives who work here take their jobs very, very seriously. It's a deeply personal job. It takes a toll on them both during and outside of work hours. There has never been a time that [NE#1] has said or done anything that would lead me to believe that the race of a victim or other person involved in a case would be a motivating factor in any way for how he chooses to carry out his investigation.

c. OPA Interview – Named Employee #1

OPA interviewed NE#1 on January 26, 2023. NE#1 explained he worked for SPD for nearly twenty-five years, assigned to the Homicide/Assault Unit in 2016.

NE#1 said the unit's workload increased over the past five years. NE#1 estimated that in 2017, there were "probably thirty, thirty-five-ish homicides" and sixty last year. NE#1 stated assault and threat cases "increased tremendously as well." NE#1 said he had about fifteen open homicide cases and eight or nine assault and harassment cases.

NE#1 confirmed a victim advocate was assigned to the Complainant from the start of the investigation. NE#1 said the victim advocate "[assists] family members" and serves as a "resource for family members to call and get updates." NE#1 stated detectives often refer families to advocates because they are not always available for calls.

NE#1 confirmed he was the assigned detective from the beginning. NE#1 stated, "Throughout the investigation, I have talked with [the Complainant], both over the phone and in-person meetings at her house and other locations. So, I really can't give you an exact number three, five, several times, probably ten to fifteen times." NE#1 acknowledged his contacts with the Complainant decreased over the years "Mostly because she demands things that I can't answer



for her because of the integrity of the case.” NE#1 elaborated, “She would like to know who the suspects are even though she's aware of people that are involved in the case.” NE#1 also said the Complainant could be “confrontational,” and some contacts “sometimes last over an hour.” NE#1 also said the Complainant occasionally “[left voicemails about] subjects [in the case] that don’t make sense,” which would create a “red herring” for the investigation.

NE#1 stated he referred the Complainant to the victim advocate. He also said the Complainant had contacts with SDPA#1. NE#1 continued:

The problem is [the Complainant] is not only the mother of the victim, but she’s also a witness in this case, and she’s a victim of an assault as well because she was present during the murder. So that’s the main reason she cannot have much of this information about this case. But [SDPA#1] is the MDOT prosecutor. We’ve had meetings with [the Complainant]. All three of us. The victim advocate, [SDPA#1] . . . where we’ve told her the same thing... “We’ll tell you what we can, but you’re a witness in this case, and we can’t tell you a lot of things.” When we have the meetings and talk with her, she appears to understand.

NE#1 said there has been no arrest for CM#1’s murder because “at this point, we don’t have probable cause for the suspects.” NE#1 said he last worked on this case the day before his OPA interview. He estimated he had about 20-30 interactions with the Complainant. NE#1 stated SDPA#1 was involved in this case from the beginning, and they updated each other about the investigation.

In summary, NE#1 stated he kept the Complainant and victim advocate updated. NE#1 said he did not have “any more information to give her, and I can’t give her any more information, because I don’t have it to give,” but there were “some pretty good leads.”

NE#1 denied that CM#1’s race played any role in his investigation. NE#1 stated, “I investigate every homicide case the same. It doesn't matter race or religion or gender or anything like that.”

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 NE#1 was unprofessional by inadequately updating her about the homicide investigation.

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....” SPD Policy 5.001-POL-10.

Here, the evidence does not indicate NE#1 was unprofessional with the Complainant. NE#1 and the Complainant confirmed several conversations about the case. The Complainant also accessed the victim advocate and assigned prosecutor for updates. While the Complainant told OPA her issue was NE#1’s infrequent communications, the



evidence indicates the Complainant would like more information about the investigation than NE#1 can—or is permitted—to give.

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

Recommended Finding: **Not Sustained - Unfounded**

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's investigation was unfruitful because her daughter was Black.

SPD policy prohibits biased policing, which it defines 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 treatments based on the race of the subject. *See id.*

OPA found no evidence CM#1's race impacted the quality of NE#1's investigation. The allegation stemmed from a speculative statement the Complainant attributed to the victim advocate: the investigation's posture was “ridiculous,” and she “didn't know if it was because [CM#1] was Black.”

NE#1 has worked with several detectives and supervisors throughout the investigation. According to the Complainant and NE#1, they spoke more often early in the case and talked four or five times over the last year. At least three direct supervising sergeants supervised NE#1 from the start, and over the past two years, WS#1 led the unit. SDPA#1 has also been involved from the start. Contrary to the victim advocate's speculation, those most familiar with the homicide investigation have not found NE#1's investigation deficient, let alone affected by bias.

OPA is incredibly empathetic about the Complainant's immeasurable loss, but there are many reasons a criminal investigation – particularly homicides – is unsolved, even years after the crime. Although CM#1's murder remains unsolved five years later, OPA cannot conclude it is due to CM#1's race.

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

Recommended Finding: **Not Sustained - Unfounded**