




## CLOSED CASE SUMMARY

ISSUED DATE: JULY 11, 2023

FROM: DIRECTOR GINO BETTS   
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0331

### Allegations of Misconduct & Director’s Findings

**Named Employee #1**

Allegation(s):		Director’s Findings
# 1	15.410 - Domestic Violence Investigation, 15.410-POL-3 Officers Will Make a Reasonable Effort to Protect the Victim and Arrest the Suspect	Sustained
# 2	15.410 - Domestic Violence Investigation, 15.410-POL-5 The Department is Committed to a Thorough Primary Investigation of Domestic Violence Incidents ...	Sustained
# 3	16.090 - In-Car and Body-Worn Video, 16.090-POL-1 Recording with ICV and BWV 5. Employees Recording Police Activity	Sustained

**Proposed Discipline**

63 hours to 90 hours (Seven to Ten Days) Suspension

**Imposed Discipline**

63 hours Suspension

**Named Employee #2**

Allegation(s):		Director’s Findings
# 1	15.410 - Domestic Violence Investigation, 15.410-POL-3 Officers Will Make a Reasonable Effort to Protect the Victim and Arrest the Suspect	Sustained
# 2	15.410 - Domestic Violence Investigation, 15.410-POL-5 The Department is Committed to a Thorough Primary Investigation of Domestic Violence Incidents ...	Sustained
# 3	16.090 - In-Car and Body-Worn Video, 16.090-POL-1 Recording with ICV and BWV 5. Employees Recording Police Activity	Sustained

**Proposed Discipline**

63 hours to 90 hours (Seven to Ten Days) Suspension

**Imposed Discipline**

63 hours Suspension

***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.***

**ADMINISTRATIVE NOTE ON PROPOSED FINDINGS:**

*When the OPA Director recommends a sustained finding for one or more allegations, a discipline committee, including the named employee’s chain of command and the department’s human resources representative, convenes and may propose a range of disciplinary to the Chief of Police. While OPA is part of the discipline committee, the*



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*Chief of Police decides the imposed discipline, if any. See OPA Internal Operations and Training Manual section 7.3 – Sustained Findings.*

**EXECUTIVE SUMMARY:**

It was alleged Named Employee #1 (NE#1) and Named Employee #2 (NE#2) failed to make reasonable efforts to protect a reported domestic violence (DV) victim and arrest the suspect. It was also alleged the Named Employees failed to thoroughly investigate a domestic violence incident and activate their ICV or BWV.

**ADMINISTRATIVE NOTE:**

The Office of the Inspector General (OIG) certified this investigation as timely and objective but declined to find it thorough. OIG stated the Named Employees' alleged "investigative and BWV/ICV deficiencies alone [do] not adequately capture the seriousness of a potential failure to respond to a domestic violence incident." OIG suggested, in addition to the allegations OPA classified, OPA should have classified violations of the department's professionalism policy (SPD Policy 5.001-POL-10).

OPA agrees the Named Employees' alleged behavior constitutes serious misconduct. However, OPA disagrees with OIG's assessment that adding professionalism allegations would more adequately capture the seriousness of the allegations.

Rather than attaching every possible policy violation, OPA strives to classify overarching policies and procedures that best address the alleged misconduct. *Cf.* OPA 2019 Annual Report, at 12 (discussing "conscious effort" of OPA to "identify the overarching policy or procedure to have been violated, rather than include each subsection within that policy as a separate allegation"). While it was within OPA's discretion to add professionalism allegations, the alleged misconduct was a "potential failure to respond to a domestic violence incident," which is directly covered and addressed by SPD Policy 15.410 – Domestic Violence Investigations.

Moreover, OPA disagrees that not including professionalism allegations minimizes the alleged misconduct. SPD policy does not suggest professionalism violations are more serious than failures to investigate domestic violence. The professionalism policy is broad and covers minor and serious misconduct. Conversely, an entire policy and two tasks address domestic violence investigations. SPD Policy 15.410 repeatedly emphasizes the Department's dedication to domestic violence investigations and cross-references requirements articulated in state law and other areas of Department policy.

OPA appreciates and shares OIG's commitment to accountability but respectfully disagrees with its assessment.

**SUMMARY OF INVESTIGATION:**

On October 6, 2022, the Complainant, an SPD lieutenant, filed a Blue Team complaint alleging the Named Employees deficiently responded to two domestic violence calls. OPA opened two investigations. This investigation addresses the Named Employees' response to a September 23, 2022, "DV Disturbance" call. The other incident concerned their October 4, 2022, response to a domestic violence court order violation call. That incident was investigated under 2022OPA-0336.



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For this investigation, OPA reviewed the complaint, Computer-Aided Dispatch (CAD) call report, CAD remote log, Global Positioning System (GPS) data, 9-1-1 audio and radio traffic data, and body-worn video (BWV). OPA also interviewed the Named Employees and two witness supervisors.

*a. OPA Complaint*

In his Blue Team complaint, the Complainant wrote Witness Supervisor #1 (WS#1) told Witness Supervisor #2 (WS#2), the Named Employees' supervisor, about the October 4, 2022, incident (2022OPA-0336). The Complainant wrote WS#2 raised concerns about the Named Employees' response to the September 23, 2022, call.

The Complainant wrote the Named Employees were dispatched to a "DV Disturbance" call on September 23, 2022, at 10:17 PM. The Complainant reported the CAD call remarks stated, "FEMALE WANTS CHILDS FATHER TO LEAVE SAID IS REFUSING, HEARD THEM YELLING AT EACH OTHER, RP SAID ON FLOOR 6 AND DISCONNECTED." The Complainant wrote call updates noted the female was yelling at her boyfriend when the line disconnected. The Complainant reported CAD data showed the Named Employees arrived at the call at 10:38 PM. The Complainant said no ICV or BWV recorded their response.

The Complainant wrote GPS data for the Named Employees' patrol car showed at 11:34 PM. They were near a different precinct and sector. The Complainant noted NE#2's BWV activated around that time and showed NE#1 and NE#2 exiting a restaurant.

The Complainant wrote the Named Employees did not write a police report for the call and cleared it as a "Suspicious Circumstance." The Complainant alleged the Named Employees did not write a CAD call update to support that disposition.

*b. Computer-Aided Dispatch Call Report and Remote Log*

CAD data showed a 9-1-1 call was received on September 23, 2022, at 10:13 PM. The call remarks indicated a female wanted her child's father to leave, but the father refused. The comments suggested the parties yelled at each other. The female reporting party stated they were on the "6<sup>th</sup> floor" of the address provided. The call disconnected. CAD data showed the call was designated as Priority 1, the highest priority call.

CAD remarks indicated at 10:16 PM, the reporting party was back on the line and provided her unit number. CAD call remarks indicated the dispatcher broadcasted the call at that time. The female still yelled at her ex-boyfriend and stopped responding to the 9-1-1 call taker. At 10:17 PM, CAD call remarks showed the dispatcher broadcasted the call again before assigning the Named Employee to it. Call remarks indicated the reporting female and male were still yelling and that the female stated, "he's getting closer to her." At 10:18 PM, call remarks indicated the female repeatedly screamed for the male to leave, but he refused and yelled at her. The call remarks told that at 10:20 PM, the parties were "not separating," and the call was again disconnected. At 10:21 PM, the female reporting party's phone number was updated on the CAD call report.

CAD showed the Named Employees arrived at the location at 10:38 PM. At 11:35 PM—nearly an hour later—the Named Employees placed the call in "handled" status. At 3:05 AM on September 24, 2022, the Named Employees



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relogged to the call and closed it as a “suspicious circumstance” with “assistance rendered.” Neither Named Employee wrote a report for the incident.

The CAD remote log showed the Named Employees logged to the call at 10:17 PM and arrived at 10:38 PM. The Named Employees remained on the call until 11:35 PM, when it was placed in “handled” status. The CAD remote log showed the Named Employees logged back to the call on September 24, 2022, at 3:05 AM and cleared it as a suspicious person without a report and noted assistance was rendered.

*c. GPS Replay*

SPD vehicles are equipped with a GPS device that tracks their location. OPA reviewed the “GPS Replay” for the Named Employees’ assigned vehicle.

Around 10:17 PM, the Named Employees were at a Safeway (9262 Rainier Avenue South) when they were dispatched to the call.<sup>1</sup> About five minutes later, they left the Safeway and drove to the South Precinct, past the call location. The Named Employees stayed at the South Precinct for about five minutes, then drove to the call location.

At 10:38 PM, the Named Employees arrived at the call location. Their vehicle was at the call location for about a minute.<sup>2</sup> The Named Employees left at 10:39 PM and drove near the West Precinct. They remained there until 11:39 PM when they marked themselves available for calls.

*d. 9-1-1 Audio and Radio Traffic*

OPA reviewed the 9-1-1 Audio and Radio Traffic. The 9-1-1 call’s audio was consistent with the CAD data.

The Radio Traffic recorded the dispatcher broadcasting the call, including the incident location, and describing it as a DV disturbance. About forty seconds later, the Named Employees radioed to accept the call. The dispatcher advised the reported altercation was only verbal. The Named Employees declined a backing unit. About sixteen minutes later, the Named Employees told dispatch they would “head that way” to another call.

*e. Body Worn Video and Other Video Evidence*

Neither Named Employee activated BWV during the DV call response. However, NE#2’s BWV was activated on September 23, 2022, around 11:35 PM. That video was without sound and appeared to show the Named Employees

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<sup>1</sup> Google Maps estimates a standard driving time of about eight minutes between the Safeway and the incident location.

<sup>2</sup> OPA’s review of the GPS Replay showed the Named Employees were at the incident location for no more than two minutes. The GPS Replay showed the Named Employees’ vehicle arrived at the building’s cross streets at 10:37:31 PM, left at 10:37:59 PM, and doubled back and sat at the building’s cross streets until 10:39:03 PM. The Named Employees’ vehicle left and, again, doubled back and sat at the building’s cross streets from 10:39:19 PM to 10:39:31 PM, when they relocated out of the sector and precinct.



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paying and leaving a restaurant. In the Blue Team complaint, the Complainant noted he recognized the restaurant. OPA sought video footage from the restaurant, but it declined to provide it to OPA.

*f. OPA Interviews – Witness Supervisor #1 and Witness Supervisor #2*

WS#1 did not think he worked on the night in question but learned about it from WS#2. WS#1 told WS#2 to bring the matter to the Complainant.

WS#2 stated she was not present for the Named Employees' response to the DV disturbance call but learned they may not have adequately responded. WS#2 used the GPS Replay to track the Named Employees and observed they were near the West Precinct while logged to the DV call.

WS#2 stated she investigated whether the Named Employees ever arrived on-scene, but she learned about the October 4, 2022 incident (2022OPA-0336) before she completed that investigation. WS#2 said she then reported the situation to the Complainant.

WS#2 stated a proper response should have included responding to the scene, contacting the victim, determining the suspect's whereabouts, and whether a crime was committed. WS#2 noted the incident location was a "lock-out" apartment building, meaning it had "multiple units." WS#2 stated officers can attempt to gain access to lock-out buildings by trying different numbers on a call box if one is found, searching SPD computer systems for other residents to call, or trying to call the reporting party back. WS#2 noted the building was "fairly new," "very challenging" to access, and "not necessarily police friendly."

WS#2 explained under the circumstances, officer expectations are "at minimum . . . a brief report" or call remarks "describing any sort of challenges [there] may have been – getting into the building. I need to know that my officers have exhausted every effort to get to the victim." WS#2 also said the Named Employees cleared the call as a "280 Union," meaning a suspicious circumstance where assistance was rendered. WS#2 stated the "more appropriate" classification was a "Queen or a Robert," meaning "unable to find" or "police action not possible."

WS#2 noted she was concerned about this call because "it comes out as domestic violence, you know, could be a big deal – you know? And I need to know that they've exhausted every effort to try and get to where they need to go, to investigate whether or not a crime's occurred and somebody's injured, and I'm not confident that that happened in this instance."

*g. OPA Interview – Named Employee #1*

OPA interviewed NE#1. NE#1 stated worked for SPD for "almost thirty years," assigned exclusively to patrol.

NE#1 said on the night in question, he partnered with NE#2 in a two-officer vehicle. NE#1 recalled being the "driver" that shift, and NE#2 was the "paper person."



NE#1 stated they were dispatched to a DV disturbance call. NE#1 said he and NE#2 were “very familiar” with the incident location. NE#1 described it as a high-rise building that was a “lockout . . . somebody has to come down and let you in, and then they have to also let you in to the elevator because that’s also – the elevator is lockout, too.” NE#1 stated he recalled at least three prior responses to that building.

NE#1 stated the 9-1-1 caller did not identify themselves to the dispatcher. When asked whether he and NE#2 contacted the caller, NE#1 said he and NE#2 “didn’t contact anybody.” NE#1 stated dispatch designated the call as “Priority 1,” the highest priority. NE#1 explained, “they tell you to dispatch right away” for a Priority 1 call. NE#1 stated there was “so much going on that night. It was a Friday night, and it was so busy.” NE#1 elaborated, “I don’t really remember, you know, what we did or why we didn’t do something or why we did do something.”

OPA asked NE#1 to explain why it took him and NE#2 about twenty minutes to arrive at the call. NE#1 stated he believed he and NE#1 went to the precinct first to use the restroom. NE#1 stated he did not recall what he and NE#2 did after responding to the call. NE#1 said they did not “make it into the building” but could not recall his and NE#2’s efforts to enter. NE#1 stated he did not remember whether they attempted to call the reporting party or asked a dispatcher to call her.

NE#1 stated the call was cleared as a “280 Union,” which he explained was a suspicious circumstance with assistance rendered. NE#1 said he and NE#2 did not stay at the scene for an hour despite being logged to the call for that time. NE#1 stated they “might have eaten on it.” NE#1 elaborated, “Well, when – well, you know, when you get a call and if it’s really busy, then we would go clear on that particular call and then . . .” OPA asked NE#1 to explain the difference between “eating on the call” versus “logging off for a lunch break.” NE#1 responded, “Well, because when you’re super short at night and – and there’s a bunch of stuff going on, you just kind of eat when you can eat.”

NE#1 stated he did not activate his BWV for the call “because we didn’t contact anybody.”

NE#1 admitted, “looking back, I mean, we probably should have slowed down and did a little more thorough investigation of it.”

*h. OPA Interview – Named Employee #2*

OPA interviewed NE#2. NE#2 stated worked for SPD for fourteen years, principally assigned to patrol.

NE#2 recalled he was partnered with NE#1 in a two-officer patrol vehicle on the incident date. NE#2 recounted being dispatched to the DV disturbance call. NE#2 stated he was familiar with the building and described it as a “brand new” “lockout building.” NE#1 elaborated, “I guess one of the main things to recognize is that early on, they didn’t have a call box. And so, at the time of this call, I believe we were just having to call up to the reporting party and have them buzz us in or have somebody . . . come down and talk with us.” NE#2 stated the building required authorized access to each floor, and the “stairwells are all locked.”



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NE#2 also explained the call was an “ANI/ALI” call, meaning the address “doesn’t necessarily mean that this is the actual address that the person is calling from. This is the closest thing.”

NE#2 stated he assumed the call was “a one,” meaning it was the “highest priority.” NE#2 did not recall why it took him and NE#2 about twenty minutes to arrive at the incident location. NE#2 stated he and NE#1 did not contact the 9-1-1 caller and did not write a report. NE#2 noted the call was cleared as a “280 Union,” which he described as a “suspicious or disturbance type of call.” NE#2 stated he could not explain why he and NE#1 were logged to the call for about an hour and could not remember where they were. NE#2 stated, “sometimes we do leave calls like that so that we can go grab food or complete other reports or go use the restroom or something.”

NE#2 stated his understanding of SPD Policy 5.410-POL-3 was that “in this situation where there was a domestic violence argument call, we are supposed to try to go above and beyond to make contact with them to complete the investigation, and that’s what I was mentioning earlier.” NE#2 stated he believed he followed that policy.

NE#2 stated he could not explain why he did not activate his BWV or ICV.

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

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

##### ***15.410 - Domestic Violence Investigation, 15.410-POL-3 Officers Will Make a Reasonable Effort to Protect the Victim and Arrest the Suspect***

The Complainant alleged NE#1 and NE#2 failed to make reasonable efforts to protect the victim and arrest the suspect.

“The Department is dedicated to assisting and protecting people victimized by domestic violence and to identify and arrest people who commit crimes of domestic violence.” SPD Policy 15.410-POL. The Department’s commitment to addressing this critical issue is so strong that all Department employees are required to “support victims of domestic violence in their efforts to protect themselves and their families by seeking alternative living arrangements, social services, utilization of the state’s legal system to obtain protection, and to hold abusers accountable.” *Id.*

SPD policy sets high standards for officers investigating domestic violence incidents to support its commitment. SPD Policy 15.410-POL-3 states, “officers will make a reasonable effort to protect the victim and arrest the suspect.” The policy also outlines tasks officers must complete for domestic violence incidents. *See* SPD Policy 15.410-POL-3.

Here, the Named Employees’ response fell well below Department expectations. They failed to make reasonable efforts to protect the 9-1-1 caller and arrest the suspects, and their response was outright neglectful.

After being dispatched to a Priority 1 call, the Named Employees stayed in their prior location for about five minutes. After acknowledging the call, they declined back up, passed the incident location to take a five-minute bathroom break, and arrived at the scene about twenty-one minutes after being dispatched. Neither Named Employee activated their BWV or ICV. They stayed there for less than two minutes before going to a restaurant out of their sector and precinct while logged to the DV call over the next hour. Further, neither Named Employee asked dispatch to call the reporting party.



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Other than physically arriving at the incident location, the Named Employees made no apparent effort to conduct a primary investigation,<sup>3</sup> document the incident, or perform the functions outlined in SPD Policy 15.410-POL-3. Instead, having been dispatched to a building they had—at unspecified times in the past—had difficulty entering, the Named Employees made no effort to contact the 9-1-1 caller or determine whether a crime was committed. Even had the Named Employees made reasonable efforts—which they did not—they took over twenty minutes to arrive, passing the incident location to take a bathroom break.

Moreover, neither officer activated their BWV or ICV (as required by policy, discussed below at Named Employee #1 - Allegation #3), prepared a report to document their efforts, entered CAD call remarks, or ran addresses (including the specific unit number listed in CAD at 10:16 PM) to identify other building residents who could give them access. Further, there is no evidence the Named Employees even exited their vehicle after arriving on the scene. Finally, the Named Employees downplayed the seriousness of the call by clearing it as a suspicious circumstance and suggesting they rendered assistance, which they did not do in any meaningful way.

For those reasons, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**

**Named Employee #1 - Allegation #2**

***15.410 - Domestic Violence Investigation, 15.410-POL-5 The Department is Committed to a Thorough Primary Investigation of Domestic Violence Incidents ...***

The Complainant alleged NE#1 and NE#2 failed to perform a thorough primary investigation for a domestic violence incident.

SPD Policy 15.410-POL-5. SPD Policy 15.410-POL-5 reaffirms the Department’s commitment to thorough primary investigations for domestic violence incidents. Additionally, SPD Policy 15.410-POL-3 requires officers to fully comply with the requirements outlined in SPD Policy 15.180 and tasks detailed in SPD Tasks 15.410-TSK-1 and 15.410-TSK-2. Finally, it requires officers responding to domestic violence incidents to (1) “attempt to obtain the domestic violence history of the involved suspect,” (2) “complete the Domestic Violence Supplement,” and (3) “use the Sworn Affirmation...when taking a statement from a victim or witness.”

As detailed in Named Employee #1 - Allegation #1, the Named Employees performed no meaningful primary investigation for this incident, let alone a “thorough” one. SPD Policy 15.410-POL-5 explicitly refers officers to SPD Task 15.410-TSK-1 for detailed minimum standards for completing a domestic violence investigation. The first listed standard is: “**Respond** to the scene and **determine** the type of call and if additional resources are needed.” (Emphasis in original). However, the Named Employees failed to respond to the scene meaningfully, as they did not contact the unit number listed in the CAD. Nor did the officers make an effort to determine the type of call or assess whether additional resources were needed because they did not contact anyone. If the officers could not respond to the scene because they could not gain access to the building, at a minimum, they should have documented their efforts and worked with a dispatcher or supervisor to contact the 9-1-1 caller. Even if the Named Employees could not

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<sup>3</sup> Like conducting a “thorough and complete search for evidence,” taking a victim statement as required for domestic violence investigations or documenting their investigation on a report. See SPD Policy 15.180.





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immediately enter the building, considering they were logged to the call over the next hour while eating outside their sector, they could have at least attempted to call the 9-1-1 caller back periodically and documented those efforts.

For these reasons, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**

**Named Employee #1 - Allegation #3**

***16.090 - In-Car and Body-Worn Video, 16.090-POL-1 Recording with ICV and BWV 5. Employees Recording Police Activity***

The Complainant alleged NE#1 and NE#2 failed to activate their BWV or ICV.

SPD Policy 16.090-POL-1(5) details requirements for employees recording police activity. The policy outlines, among other things, the requirements to notify persons they are being recorded, when employees must record activity when they have the discretion to record, situations when employees will not record, and when they may stop recording. See SPD Policy 16.090-POL-1(5)(a)-(i).

The first listed circumstance when officers must record police activity is “Dispatched calls, starting before the employee arrives on the call to ensure adequate time to turn on cameras.” SPD Policy 16.090-POL-1(5)(b). Here, the Named Employees were dispatched to a Priority 1 call. It was safe and feasible for them to record as they drove to the scene from a restroom break at the South Precinct. Neither Named Employee activated their BWV or ICV nor justified their failure.

In this case, OPA is particularly troubled by the lack of BWV and ICV, as the Named Employees had ample opportunity to activate both. That evidence would have shown any efforts the officers made—or did not make—to contact the 9-1-1 caller.

Accordingly, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**

**Named Employee #2 - Allegation #1**

***15.410 - Domestic Violence Investigation, 15.410-POL-3 Officers Will Make a Reasonable Effort to Protect the Victim and Arrest the Suspect***

For the reasons at Named Employee #1 - Allegation #1, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**

**Named Employee #2 - Allegation #2**

***15.410 - Domestic Violence Investigation, 15.410-POL-5 The Department is Committed to a Thorough Primary Investigation of Domestic Violence Incidents ...***

For the reasons at Named Employee #1 - Allegation #2, OPA recommends this allegation be Sustained.



Recommended Finding: **Sustained**

**Named Employee #2 - Allegation #3**

***16.090 - In-Car and Body-Worn Video, 16.090-POL-1 Recording with ICV and BWV 5. Employees Recording Police Activity***

For the reasons at Named Employee #1 - Allegation #3, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**