



## CLOSED CASE SUMMARY

ISSUED DATE: SEPTEMBER 26, 2023

FROM: DIRECTOR GINO BETTS   
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2023OPA-0157

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

#### **Named Employee #1**

Allegation(s):		Director's Findings
# 1	15.190 - Auto Theft and Recovery, 15.190-POL 5. Officers Complete a Report Documenting the On-Scene Investigation of Stolen Vehicles and Plates	Not Sustained - Unfounded
# 2	5.001-POL 11. Employees Will Be Truthful and Complete in All Communication	Not Sustained - Unfounded

#### **Named Employee #2**

Allegation(s):		Director's Findings
# 1	15.190 - Auto Theft and Recovery, 15.190-POL 5. Officers Complete a Report Documenting the On-Scene Investigation of Stolen Vehicles and Plates	Sustained
# 2	5.001-POL 11. Employees Will Be Truthful and Complete in All Communication	Not Sustained - Unfounded

#### **Imposed Discipline**

Oral Reprimand

***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:**

Named Employee #1 (NE#1) and Named Employee #2 (NE#2) responded to an automobile theft call. The Complainant alleged that the named employees cleared the call, falsely indicating that a report was written.

### **ADMINISTRATIVE NOTE:**

On June 29, 2023, the Office of Inspector General (OIG) certified OPA's investigation as thorough, timely, and objective.

### **SUMMARY OF INVESTIGATION:**

OPA received a complaint via Blue Team and opened an investigation. During its investigation, OPA reviewed the OPA complaint, computer-aided dispatch (CAD) call report, remote log, cell phone records, and timesheets. OPA contacted Community Member #1 (CM#1)—the car's registered owner. OPA also interviewed NE#1 and NE#2.



In the complaint, the Complainant—a sergeant—wrote that NE#1 and NE#2 were dispatched to an automobile theft call, arrived, and “re-queued” the call. The Complainant wrote that the named employees went back on the call and coded it to indicate that they wrote an automobile theft report. The Complainant wrote that the call had no notes concerning the car’s search or impoundment. The Complainant wrote that the Tukwila Police Department (TPD) recovered the car. The Complainant wrote that no one could locate the automobile theft report, so a secondary unit contacted CM#1 and wrote a report.

On April 5, 2023, at 7:41 a.m., CAD call remarks noted: investigate theft of a vehicle that occurred between April 4 at 4:00 p.m. and April 5 at 7:20 a.m.; no weapons, no tracking, no evidence, no suspect information, and negative tows. The call was coded as an automobile theft. At 7:50 a.m., CAD noted a Washington Crime Information Center (WACIC) impound hit for the vehicle was added to the call. The impound notice was added to the system on April 5, 2023, at 5:49 a.m., showing that TPD impounded the car. At 8:01 a.m., CAD noted that the named employees logged to the call for the first time. At 9:07 a.m., CAD noted that the named employees logged to the call a second time. At 11:42 a.m., CAD noted that the named employees logged to the call for the final time. At 1:24 p.m., CAD noted that the named employees cleared the call with a code indicating that a report was written for automobile theft. At 9:50 p.m., CAD noted that South Dispatch inquired whether the car was recovered or stolen. On April 6, 2023, at 4:37 a.m., CAD noted that a sergeant had an officer respond and write a report.

On April 5, 2023, at 8:01 a.m., the named employees’ remote log noted that the named employees logged to the automobile theft call. At 8:03 a.m., the remote log noted that the named employees sent a mobile desktop terminal message to South Dispatch, asking, “This vehicle was impounded in Tukwila already?” The remote log noted that the named employees re-logged to the call several times.

OPA contacted CM#1. CM#1 said on the morning that she reported her car stolen, she received a call from an SPD officer, who said her car was recovered and at a tow yard. CM#1 said the officer provided her with the tow yard’s phone number, location, and the TPD-assigned incident number. OPA reviewed NE#2’s department-issued cell phone records, which showed that NE#2 called CM#1 on April 5.

OPA did not find an incident report written by NE#1 or NE#2 or body-worn video (BWV) regarding this incident. An incident report was written by another SPD officer on April 6, 2023, at 10:10 a.m. The incident report noted that the vehicle’s registered owner stated she reported her car stolen the morning of April 5<sup>th</sup> and, later, received a phone call from TPD informing her that her vehicle was “involved in a collision and was recovered by [TPD].” The registered owner stated that TPD informed her that her car was then towed.

OPA interviewed NE#1. NE#1 said he was in a two-officer car with NE#2 on April 5, 2023. NE#1 said they alternate driving daily, with the passenger assigned to write reports. NE#1 said on April 5, NE#2 was the passenger. NE#1 said that when they reviewed the automobile theft call, they reviewed the WACIC impound hit, saw that the car was impounded by TPD, and believed the car was not stolen. NE#1 said they called CM#1 and told her that her car was impounded in Tukwila, not stolen. NE#1 said they planned to write a report, but not a “full, verified” stolen report because the car was impounded, not stolen. NE#1 said NE#2 left shortly after to work at an off-duty game and told NE#1 to “MIR. the call with the Charlie”<sup>1</sup> and that NE#2 would write a report the next day. NE#1 said NE#2 got sick at the game, did not work the next day, and did not write a report. NE#1 said someone else wrote the report. OPA asked

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<sup>1</sup> A “Miscellaneous Incident Report” (MIR) is a disposition code that tracks incident types and actions taken. All primary investigations require an MIR and disposition. See SPD Manual 15.180-POL-10. See also SPD Policy 12.010-POL-4(3) (“Officers Will Use Final Type (MIR) Codes to Clear Calls for Service”).



NE#1 why there were no updates to the call. NE#1 replied that because they would write a report the next day, the report would have described those updates.

OPA interviewed NE#2 and found his account consistent with NE#1's statements. Additionally, NE#2 said he took Thursday, April 6, off due to an illness and did not work on Fridays. NE#2 said he intended to write a report the following Monday. NE#2 said people asked about the call when he returned to work on Monday, but no one contacted NE#2 about the call when NE#2 was out. NE#2 said another officer wrote the report.

OPA reviewed the named employees' timesheets, which showed that they both took Thursday, April 6, as a sick day. Both named employees' first day back at work was Monday, April 10<sup>th</sup>.

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

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

##### ***15.190 - Auto Theft and Recovery, 15.190-POL 5. Officers Complete a Report Documenting the On-Scene Investigation of Stolen Vehicles and Plates***

The Complainant alleged that NE#1 did not write a stolen car report.

Officers must complete a report documenting the on-scene investigation of stolen vehicles and plates. SPD Policy 15.190-POL-5. The narrative must include the specific details of the theft and any evidence left at the scene. *Id.* Officers must also document that they gave the complainant a case number and business card. *Id.*

Here, NE#1 did not write a stolen car report, but that was based on an understanding that NE#2 would write it. NE#1 and NE#2 stated that NE#2 assumed the responsibility of writing the report. NE#1 had no reason to doubt that NE#2 would complete the task.

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

Recommended Finding: **Not Sustained - Unfounded**

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

##### ***5.001-POL 11. Employees Will Be Truthful and Complete in All Communication***

The Complainant alleged that NE#1 was untruthful.

Department employees must be truthful and complete in all communications. SPD Policy 5.001-POL-11.

Here, the named employees cleared an automobile theft call with a code indicating that a report was written. Neither wrote a report. However, the evidence shows that the named employees cleared the call with the understanding that NE#2 would write a report the next day since NE#2 left early to work a sporting event. Both named employees were out sick the following day. OPA finds insufficient evidence to show that either was intentionally untruthful when they cleared the call. Instead, more likely than not, the named employees coded the call reflecting their anticipated course of action. Although the report should have been written, the evidence does not indicate that the named employees were dishonest. *See* SPOG CBA Section 3.1.



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

Recommended Finding: **Not Sustained - Unfounded**

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

***15.190 - Auto Theft and Recovery, 15.190-POL 5. Officers Complete a Report Documenting the On-Scene Investigation of Stolen Vehicles and Plates***

The Complainant alleged that NE#2 did not write a stolen car report.

Here, NE#2 did not write a stolen car report despite intending to write one the next day. NE#2 logged to the automobile theft call several times but failed to update dispatch, indicated that a report was written but failed to write one, notified CM#1 about the impound but failed to notify anyone about that contact, and took no action over the weekend—only to find out the following Monday that another officer wrote the report. A report would have cleared up any confusion and avoided impacting later shifts. Additionally, there is no evidence that NE#2 took any steps to ensure a report was written while he was out sick. For instance, NE#2 could have notified his supervisor.

OPA also notes both named employees suggested that the registered owner's vehicle was "actually already impounded, so not stolen" and did not need a "full-blown stolen report because the vehicle's not outstanding anymore." This was an incomplete understanding. According to the incident report entered later by another SPD officer, the registered owner's vehicle was not towed from her parking location but was instead involved in a motor vehicle accident and towed from the accident scene. This would be consistent with her vehicle being stolen, involved in an accident, and impounded.

Although OPA finds NE#2 had every intention of completing this report the next day, this task was inappropriately prioritized below his off-duty job. While it is true that the Complaining sergeant could have tried to contact NE#2—while he was out sick and then on regularly scheduled days off—NE#2 similarly could have informed his supervisor or another officer about the fact he could not complete the report. Ultimately, the responsibility to ensure the report was completed rested with NE#2.

Accordingly, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**

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

***5.001-POL 11. Employees Will Be Truthful and Complete in All Communication***

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

Recommended Finding: **Not Sustained - Unfounded**