



## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Closed Case Summary

Complaint Number OPA#2015-0769

Issued Date: 03/24/2016

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (2) Employees Must Adhere to Laws, City Policy and Department Policy (Policy that was issued 04/01/15)
OPA Finding	<b>Sustained</b>
Final Discipline	7 day suspension

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (2) Employees Must Adhere to Laws, City Policy and Department Policy (Policy that was issued 04/01/15)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Allegation #2	<u>Seattle Police Department Manual</u> 5.002 (6) Employees Must Otherwise Report Misconduct (Policy that was issued 01/01/15)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Final Discipline	N/A

<b>Named Employee #3</b>	
Allegation #1	<u>Seattle Police Department Manual</u> 5.002 (6) Employees Must Otherwise Report Misconduct (Policy that was issued 01/01/15)
OPA Finding	<b>Not Sustained</b> (Training Referral)
Final Discipline	N/A

### **INCIDENT SYNOPSIS**

Named employee #1 and #2 responded to a report of Domestic Violence (DV) assault. The suspect was no longer at the location. Based on the interview with the victim at the scene, it was determined that there was probable cause to arrest the suspect for a DV assault. Named employee #1 called the suspect by phone. The suspect declined to turn himself in to be arrested.

### **COMPLAINT**

The complainant, a supervisor within the Department, alleged that named employee #1 did not comply with the mandatory Domestic Violence arrest requirements. It is further alleged that named employee #2 knew that there was probable cause to make this arrest and did not report the alleged misconduct by named employee #1. Named employee #3 was the supervisor approving the report and it is alleged that she failed to report the alleged misconduct by named employee #1.

### **INVESTIGATION**

The OPA investigation included the following actions:

1. Interview of the complainant
2. Search for and review of all relevant records and other evidence
3. Review of In-Car Videos
4. Interviews of SPD employees

### **ANALYSIS AND CONCLUSION**

Based on State law and department policy, named employee #1 and #2 were expected to search for and attempt to arrest the outstanding suspect within four hours of the incident. The mandatory arrest provisions of the Domestic Violence policy are intended to enhance the victim safety and community safety by separating the primary aggressor from their apparent victim. The OPA investigation showed that named employee #1 did not make a reasonable attempt to effect the arrest of the suspect or consult with a supervisor about the situation. Named employee #2 was the backing officer on this incident and named employee #1 was the primary

investigating officer. Named employee #1 submitted an insufficient report for review at the end of his shift. The first supervisor to review the report worked the following shift. He found the report waiting to be review. He did not read it, but returned it to named employee #1 to complete the report on his next shift. Named employee #3 was the second supervisor to review the report as it had remained unprocessed for several days and she recognized the report needed to be sent to the Domestic Violence Unit for follow-up.

## **FINDINGS**

### **Named Employee #1**

#### Allegation #1

The weight of the evidence showed that named employee #1 failed to take appropriate steps to arrest the DV assault suspect and failed to review the incident with a supervisor. Therefore a **Sustained** finding was issued for *Employees Must Adhere to Laws, City Policy and Department Policy*.

### **Named Employee #2**

#### Allegation #1

The evidence supports that named employee #2 was the backing officer and did not have the same obligation as the primary investigating officer. Therefore a finding of Not Sustained (Unfounded) was issued for *Employees Must Adhere to Laws, City Policy and Department Policy*.

#### Allegation #2

The evidence supports that named employee #2 was the backing officer and did not have the same obligation as the primary investigating officer. Therefore a finding of Not Sustained (Unfounded) was issued for *Employees Must Otherwise Report Misconduct*.

### **Named Employee #3**

#### Allegation #1

The evidence supports that named employee #3 would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Employees Must Otherwise Report Misconduct*.

**Required Training:** Named employee #3 should receive counseling and coaching regarding the importance of thoroughly reading and reviewing reports before they are approved, along with reinforcement regarding the importance of reporting potential misconduct as required by policy.

*NOTE: The Seattle Police Department Manual policies cited for the allegation(s) made for this OPA Investigation are policies that were in effect during the time of the incident. The issued date of the policy is listed.*