



October 21, 2016

Chief Kathleen M. O'Toole
Seattle Police Department
PO Box 34986
Seattle, WA 98124-4986

RE: MANAGEMENT ACTION RECOMMENDATION (2016OPA-0139)

Dear Chief O'Toole:

The Office of Professional Accountability (OPA) recently completed an investigation into an allegation that a series of misdemeanor domestic violence (DV) reports involving the same victim and suspect did not receive adequate follow-up investigation by the Seattle Police Department (SPD). The reports involved alleged acts of trespassing, damage to property, harassment, and stalking. This complaint investigation was initiated by a referral to OPA from a DV Unit detective who recognized a pattern of related DV cases. This followed an earlier investigation into a complaint by the same victim that SPD Patrol officers had failed to conduct an adequate primary investigation when the victim called 911 to report the suspect had attempted to set fire to the front door of her (the victim) apartment (see OPA case #2015OPA-1484). In its earlier investigation and from the DV Unit referral, OPA learned of several reports the victim had previously made regarding DV-related crimes. While the primary investigations by Patrol officers in those cases were generally good, the absence of any follow-up investigations meant no charges were ever filed against the suspect.

The OPA investigation into allegations of inadequate follow-up investigations led to a surprising and disturbing discovery. With some exceptions, no one in SPD is assigned to conduct follow-up investigations into misdemeanor DV crimes.

When a SPD Patrol officer responds to a DV call, he or she is tasked with the responsibility of conducting a primary investigation. Recorded statements should be taken from victims and witnesses, physical and photographic/video evidence identified and collected, and a complete General Offense Report written. State law mandates a physical arrest be made if probable cause exists to believe someone committed a DV crime. DV General Offense Reports are forwarded to the DV Unit of SPD's Criminal Investigations Bureau.

OPA's investigation and analysis of this situation revealed that little if any follow-up investigation is normally conducted on misdemeanor domestic violence cases. The DV Unit primarily conducts follow-up investigations for felony cases. All misdemeanor DV cases where probable cause exists are automatically forwarded to the City Prosecutor for review and consideration of misdemeanor charges, generally without any follow-up investigation. Even when the report submitted by Patrol identifies the need for additional investigative steps, such as the collection of evidence or interviewing of additional witnesses, it is not unusual for no follow-up investigation to be conducted. This is because neither the DV Unit nor the City Prosecutor have investigators specifically assigned to routinely follow up on misdemeanor DV cases. As a result, prosecutors must base their charging decision solely on what a Patrol Officer documents in his or her General Offense Report. In addition, as was the case in the situation investigated by OPA, SPD has no process to connect multiple instances of reported misdemeanor DV crimes involving the same victim and/or suspect.

Research clearly demonstrates that perpetrators of domestic violence rarely commit a single act. Far more typical is a pattern of physical and psychological abuse, stalking, harassment and other threatening

or controlling behaviors that can escalate and lead to assaults resulting in serious injuries or death. Last year alone, sixty-eight people died from domestic violence in Washington State, bringing the State's total for the last nine years to 563 fatalities. The well-being and safety of victims depends on early identification of abuse and appropriate interventions, including the arrest and prosecution of abusers. This is often a matter of life and death for victims of domestic violence.

With this grim reality in mind, I make the following recommendations to the Seattle Police Department.

Recommendation #1: I recommend SPD take the following measures to strengthen the quality of the primary investigations Patrol officers conduct into reported DV crimes:

- Implement a Domestic Violence Investigations Policy to be added to the Primary Investigations Chapter of the SPD Policy Manual. OPA recognizes development of this policy is already underway by SPD.
- Develop clear procedures and check lists for use by Patrol officers when responding to and investigating reports of DV crimes. This, too, is already under development by SPD.
- Develop resources for Patrol sergeants tasked with screening DV arrests and approving DV General Offense Reports.
- Develop a "Risk Assessment Tool" for use by first responders, sergeants and detectives in spotting potential early indicators of increased risk for DV victims. The DV Unit is already working on development of this tool.
- Develop a "Domestic Violence Investigations and Reporting" training course for Patrol officers and supervisors to cover best practices, policy and procedures relating to DV.
- Make DV Unit detectives available for after-hours response to significant incidents.

Recommendation #2: I recommend SPD evaluate the staffing requirements of the DV Unit to determine what additional supervisory and/or detective personnel are needed to ensure adequate follow-up investigations are conducted when misdemeanor DV cases have the potential for successful prosecution.

Recommendation #3: I recommend SPD engage with the City and County Prosecutors to explore promising best practices in DV investigations and prosecutions that might be successfully adapted for use in Seattle and King County. For example, many jurisdictions have implemented so called "Family Justice Centers" where detectives, prosecutors, and support services for DV victims and their family members are located together in one facility.

Thank you very much for your prompt attention to this matter of public trust and confidence in the professional conduct of SPD and its employees. Please inform me of your response to this recommendation and, should you decide to take action as a result, the progress of this action.

Sincerely,



Pierce Murphy
Director, Office of Professional Accountability