



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2015-0206

Issued Date: 08/20/2015

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (5) Employees May Use Discretion (Policy that was issued 07/16/14)
OPA Finding	Not Sustained (Lawful and Proper)
Allegation #2	<u>Seattle Police Department Manual</u> 5.001 (I.A.2) Operations Bureau Individual Responsibilities: Monitor and take appropriate action regarding criminal activity in assigned area (Policy that was issued 07/16/14)
OPA Finding	Not Sustained (Lawful and Proper)
Allegation #3	<u>Seattle Police Department Manual</u> 15.180 (1) Primary Investigations: Officer Shall Conduct a Thorough and Complete Search for Evidence (Policy that was issued 05/21/14)
OPA Finding	Not Sustained (Lawful and Proper)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (5) Employees May Use Discretion (Policy that was issued 07/16/14)
OPA Finding	Not Sustained (Lawful and Proper)
Allegation #2	<u>Seattle Police Department Manual</u> 5.001 (I.A.2) Operations Bureau Individual Responsibilities: Monitor and take appropriate action regarding criminal activity in assigned area (Policy that was issued 07/16/14)
OPA Finding	Not Sustained (Lawful and Proper)
Allegation #3	<u>Seattle Police Department Manual</u> 15.180 (1) Primary Investigations: Officer Shall Conduct a Thorough and Complete Search for Evidence (Policy that was issued 05/21/14)
OPA Finding	Not Sustained (Lawful and Proper)
Final Discipline	N/A

Named Employee #3	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (III.A.1.c) Operations Bureau Individual Responsibilities: Patrol Sergeant; Responsibilities; Direct supervision of any incident involving multiple units (Policy that was issued 07/16/14)
OPA Finding	Not Sustained (Lawful and Proper)
Allegation #2	<u>Seattle Police Department Manual</u> 5.001 (5) Employees May Use Discretion (Policy that was issued 07/16/14)
OPA Finding	Not Sustained (Lawful and Proper)
Final Discipline	N/A

INCIDENT SYNOPSIS

The named employees responded to a 911 call of a man reporting to have been shot at and to request a check on the welfare of his female companion. They arrived at the apartment building to investigate and located the 911 caller. The 911 caller would not show the named employees the precise location where the potential subject was last seen. The named employees canvased the apartment building but did not locate evidence of gunfire or any other witnesses to the gunfire. The acting supervisor said that they lacked specific information to obtain a search warrant and that the known circumstances did not justify a warrantless search of any apartment(s).

COMPLAINT

The complainant, who was not at the scene of the incident, alleged that the named employees did not adequately investigate an incident involving shots fired and someone being held against their will.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint email
2. Interview of the complainant
3. Review of the 911 call
4. Search for and review of all relevant records and other evidence
5. Interviews of SPD employees

ANALYSIS AND CONCLUSION

The evidence showed that the named employees determined that the call to 911 had been delayed for about 20 minutes after the incident had occurred. The 911 caller's refusal to identify the specific location where he had last seen the man with the firearm and his female acquaintance did not assist the named employees with their investigation. The named employees reasonably knocked on every door of the first floor of the apartment building and conducted a search for evidence of a firearm discharge. Finding no further information or witnesses to corroborate the previous statements made to 911, the named employees consulted with a supervisor. The named supervisor identified that due to the delay in making the call to 911, there was no exigency to justify a warrantless, forcible entry to an apartment to check on the welfare of the 911 caller's female acquaintance, had they been able to identify a specific unit. The named supervisor also identified that the named employees did not have sufficient information from the 911 caller or from their canvasing the area to obtain a search warrant.

FINDINGS

Named Employee #1 and #2

Allegation #1

The weight of the evidence showed that the named employees used proper discretion in trying to investigate this incident and called for a supervisor per policy. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Employees May Use Discretion*.

Allegation #2

The weight of the evidence showed that the named employees took necessary steps to investigate this incident by knocking on all of the first floor doors of the apartment building and searched for evidence of criminal activity. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Operations Bureau Individual Responsibilities: Monitor and take appropriate action regarding criminal activity in assigned area*.

Allegation #3

The weight of the evidence showed that the named employees searched for evidence of a firearm discharge and attempted to identify corroborating witnesses. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Primary Investigations: Officer Shall Conduct a Thorough and Complete Search for Evidence*.

Named Employee #3

Allegation #1

The weight of the evidence showed that the named employee, a supervisor, responded to the scene to provide direct supervision of the named employees. The named supervisor properly advised the named employees that there was insufficient evidence to obtain a search warrant or to conduct a warrantless search. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Operations Bureau Individual Responsibilities: Patrol Sergeant; Responsibilities; Direct supervision of any incident involving multiple units*.

Allegation #2

The weight of the evidence showed that the named employee, a supervisor, used proper discretion in how he provided direct supervision to the named employees. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Employees May Use Discretion*.

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.