




CLOSED CASE SUMMARY

ISSUED DATE: JULY 11, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0336

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 Day) Suspension

Imposed Discipline

27 hours Suspension (Consecutive to Discipline Imposed in 2023OPA-0331)

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

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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



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 a reasonable effort to protect a domestic violence (DV) victim and arrest a suspect. It is also alleged the named employees failed to thoroughly investigate a DV incident and activate their ICW or BWV.

ADMINISTRATIVE NOTE:

After OPA completed the additional investigation requested by the Office of Inspector General (OIG) under SMC 3.29.260.D, OPA certified this case as timely and objective but declined to certify it as thorough. OIG's partial certification was based on its belief that OPA should have brought violations of the department's professionalism (SPD Policy 5.001-POL-10) policy against the "named employees.

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 severe than failures to investigate domestic violence. The professionalism policy is broad and covers minor and severe 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' October 4, 2022, response to a no-contact order violence and misdemeanor domestic violence assault call. The other incident concerned the named employees' response to a "DV Disturbance" call on September 23, 2022. That incident was investigated under 2022OPA-0331.



For this investigation, OPA reviewed the OPA complaint, Computer-Aided Dispatch (CAD) call report, incident report, Global Positioning System (GPS) data, body-worn video (BWV), and in-car video (ICV). OPA also interviewed the named employees twice and a witness supervisor. On three occasions, OPA attempted to contact the 9-1-1 caller (Community Member #1 or CM#1). OPA left a voicemail message with callback information but has not heard from CM#1.

a. Blue Team Complaint

In his October 6, 2022, Blue Team complaint, the Complainant wrote Witness Supervisor #1 (WS#1), an SPD sergeant, told him an anonymous officer reported the named employees may have failed to adequately respond to an October 4, 2022, DV call.

The Complainant wrote the CAD call report showed at 8:02 PM, CM#1 told a 9-1-1 dispatcher a suspect “bit and punched” her back ten minutes prior and fled with their three-year-old child.¹ The Complainant also noted the suspect was the respondent on a No Contact Order listing CM#1 as the protected person. The Complainant noted the reported crime constituted a felony DV No Contact Order violation and DV misdemeanor assault. The Complainant also opined that a “[r]easonable officer would also be concerned whether the child was in danger and if kidnapping would be [an] added crime.”

The Complainant alleged the named employee responded to the call and updated it at 8:34 PM with a remark that CM#1 only “wanted [an] area check” and “never requested a report.” The Complainant noted the named employees cleared and coded the call as “280,” which indicates a “suspicious circumstance,” and did not write a report.

The Complainant documented that WS#1 spoke with CM#1, who believed the named employees were not “going to do anything.” The Complainant told WS#1 to order the named employees to the precinct to complete a report. The Complainant reviewed NE#2’s report and determined it was “inadequate based on their incomplete investigation.” The Complainant alleged the named employees violated several subsections of SPD Policy 15.410.

Finally, the Complainant noted that SPD arrested the suspect the next day after he assaulted CM#1 again, causing her visible injuries.

b. Computer-Aided Dispatch Call Report

OPA reviewed the CAD call report, which showed CM#1 called 9-1-1 on October 4, 2022, at 7:52 PM. CM#1 reported her offender was intoxicated and “just took off” with their daughter three minutes prior. CM#1 also noted there was a restraining order. CM#1 gave her name, the suspect’s name, and physical description. CM#1 also described the suspect’s vehicle and provided its license plate number. CM#1 also provided her daughter’s name and age (eighteen months).

At 7:55 PM, CM#1 noted she was at an Airbnb but requested to meet the responding officers at a nearby street corner. CM#1 asked the responding officers to call her when they were ready to meet, as she did not want them at the Airbnb.

¹ The CAD call report showed CM#1 reported the child was eighteen months old.



CM#1 reported the suspect went to either of two nearby gas stations (a Shell or 76) but could return. CM#1 declined medical aid.

At 7:58 PM, a 9-1-1 dispatcher updated details to include that there was no parenting plan so the suspect could see the daughter, but there was a No Contact Order between CM#1 and the suspect. The dispatcher also added that the suspect drank beers all day and was abusive to CM#1 in the past. At 7:59 PM, the dispatcher added more updates, including that the suspect's driver's license was suspended or revoked, and the suspect had an unverified warrant for a prior No Contact Order violation.

At 8:00 PM, the dispatcher attached the unverified No Contact Order to the call, listing CM#1 as the protected person and the suspect as the respondent. CM#1 reported she was "very scared" that if the suspect returned and saw police, he would severely assault her. CM#1 also reported the suspect routinely threatened to take their daughter out of state and made that threat that day. CM#1 reported she was armed with mace and a switchblade knife but stated she would not have those items when she met the responding officers.

At 8:04 PM, the dispatcher logged the named employees to the call.

At 8:14 PM, the named employees arrived at the Airbnb. Around that time, CM#1 requested to meet in the alley behind the house.

Around 8:15 PM, CM#1 told the dispatcher she was with the named employees. About ten minutes later, the named employees attached the suspect's vehicle, driver's license information, and CM#1's phone numbers.

At 8:34 PM, the named employees cleared the call and returned to service, categorizing it as a suspicious circumstance with assistance rendered. Their CAD update also noted CM#1 "wanted area check only" and "never requested a report."

c. Incident Report

NE#2's incident report was submitted on October 5, 2022, at 1:03 AM, about four-and-a-half hours after the named employees cleared the call as a "280" with no report written.

In his report narrative, NE#2 wrote he and NE#1 were dispatched to a DV assault call with a court order violation and noted the CAD remark: [REPORTING PARTY] HAS RESTRAINING ORDER AGAINST FATHER OF HER DAUGHTER HE JUST TOOK OFF WITH DAUGHTER IN [VEHICLE] 3 MINS AGO AND IS [INTOXICATED.] NE#2 also noted the Suspect's name, physical description, and vehicle description. NE#2 also noted the suspect reportedly bit and punched CM#1.

NE#2 wrote he and NE#1 arrived and contacted CM#1. NE#2 documented that CM#1 requested to meet officers at a nearby corner but wrote CM#1 "flagged us down" from her Airbnb. NE#2 wrote CM#1 reported she and her daughter were staying at the Airbnb when the suspect arrived uninvited. NE#2 wrote CM#1 said there was no parenting plan in place, so the suspect was authorized to take their daughter.



NE#2 wrote the following about their primary investigation:

While we were there, we were trying to figure out what [CM#1] wanted us to do. I went to take a report, but she stated that she wanted us to go complete an area search for the vehicle with her daughter inside. She then stated that she wanted us to contact her with [what] we had accomplished and if we were able to [locate] the vehicle or not. Before leaving the scene, I proceeded to get the reporting [party's] information along with the vehicle information. I wanted to make sure that we had the same information on the call. There was no mention of the assault at this time, and Officers did not observe the assault either.

NE#2 also provided information concerning the No Contact Order, specifically that the suspect was the named person, CM#1 was the protected person, and it was served on July 15, 2022. Among other things, the suspect was forbidden from coming within one thousand feet of CM#1's residence and was required to refrain from assaulting CM#1 or "interfering with" CM#1 or the daughter.

NE#2 concluded:

Both of those things were violated tonight after [the suspect] had bit and assaulted [CM#1] before running off with their daughter. [CM#1] was later provided an SPD case number for tonight's incident. We completed an area check for the suspect vehicle, and we came up negative. I then called [CM#1] and left a voicemail stating that we were not able to locate the suspect vehicle, that was identified as gray 2007 Hyundai Veracruz utility vehicle with Washington license plates WA/[omitted]. Officers were later advised that [Suspect] had returned [Daughter] back over to her mother [CM#1].

d. GPS Replay & In-Car Video

OPA used GPS Replay to track the named employees' response. It showed the named employees were dispatched to the call at 8:04 PM. At that time, the named employees were at the South Precinct. The named employees arrived at the incident location at 8:15 PM. The named employees remained there until 8:22 PM when they drove to a nearby Safeway grocery store. The named employees were at Safeway until they cleared the call at 8:34 PM.

OPA's ICV review confirmed the named employees drove directly to a Safeway after leaving the incident location. The named employees parked at Safeway's entrance for at least twenty minutes.

OPA also checked the GPS Replay for the initial officer dispatched to the call. That officer arrived at the incident location shortly before the named employees left. That officer then drove to the South Precinct.



e. Body-Worn Video

NE#1's BWV was about five minutes and thirty-seven seconds. NE#2's BWV was about six minutes and forty seconds. Both BWVs depicted their general interactions but from different angles. Both BWVs started before the named employees exited their patrol vehicle and ended after they broke contact with CM#1.

BWV showed the named employees arrived at the incident location with lights and sirens activated. The named employees exited their vehicle and met CM#1, who was holding a cell phone at the house door. CM#1 asked the named employees to speak with her in the alley. NE#2 refused, stating their lights were activated for officer safety, and told CM#1 they would talk to her "right here." CM#1 covered her face with her hand and appeared distressed.

The named employees asked CM#1 what was "going on" and informed her she was being audio and video recorded. CM#1 said, "Oh my God...if he sees this." NE#1 asked CM#1, "Where is he at?" CM#1 stated the suspect drove off with their daughter. NE#1 asked if the suspect was returning, and CM#1 said she did not know. NE#1 asked CM#1 how the suspect located her. CM#1 stated the suspect was there for their daughter. CM#1 said the suspect was "supposed to get her" but had "been drinking."

CM#1 reiterated her fear about the suspect returning to find police lights. She feared the Suspect would "really gonna leave," and CM#1 would be "in trouble." NE#1 responded that he was "missing something here." CM#1 again stated she was at an Airbnb, did not want the attention, and the suspect had "left with [her] daughter drinking." CM#1 explained the suspect was supposed to get their daughter, but the suspect fought and argued with her, at which point CM#1 said she told the suspect to "go."

NE#1 tried to clarify the terms of the No Contact Order. CM#1 explained that the order only protected her and did not cover her daughter. NE#1 asked if CM#1 permitted the suspect to take the daughter. CM#1 responded there was "no parenting plan" and that the suspect "just grabbed her [the daughter]." NE#2 stated the suspect would have a right to see his daughter; CM#1 replied, "exactly." NE#2 said he was trying to establish what constituted the violation of the No Contact Order.

NE#1 asked CM#1 what she wanted the named employees to do. CM#1 responded, "find him. He's drinking and driving with my daughter." NE#2 stated they could only do an "area search" and asked CM#1 if she wanted a report. CM#1 said she did not want a report.

CM#1 told NE#2 the suspect "went left. He probably had to go to the gas station." CM#1 also gave NE#2 the suspect's license plate number and vehicle description. NE#2 stated the named employees would search for the vehicle. CM#1 again told NE#2 the suspect may have seen the officers and left, in which case she would "have to pay the price." CM#1 stated the suspect commented, "Oh, Seattle Police? They aren't going to catch me." NE#2 told CM#1 if the suspect returned, call 9-1-1. CM#1 asked the officers to let her know whether they found the suspect. NE#2 agreed and took CM#1's phone number. NE#2 then turned around and walked away, stating to CM#1 as he walked away, "call us if he comes back."



BWV showed the named employees spoke with CM#1 for about five-and-a-half minutes.

f. OPA Interview – Witness Supervisor #1

OPA interviewed WS#1, a patrol supervisor, who said he worked at SPD since 2006.

WS#1 stated he noticed the call was cleared as a “disturbance and a union, which is assistance rendered on a domestic violence call.” WS#1 contacted CM#1 about the named employees’ response. WS#1 stated he contacted CM#1 because “the call was cleared inappropriately” and needed to be documented in a report.

WS#1 stated there should have been a “much broader response,” including multiple officers doing area checks and a responding supervisor. WS#1 said it should have been elevated to determine “if this was, in fact, a kidnapping, which would require an “Amber Alert” and a “full-blown investigation regarding the restraining order, after finding the child and making sure everyone was safe.

WS#1 stated the named employees should have confirmed the protection order with communications, verified its validity and proper service, and spoken with CM#1 to determine whether the order was violated. WS#1 noted sometimes officers receive inaccurate information, so it is essential to “basically start from the beginning and then work with our victim to figure out, to the best that we can, you know, what had occurred and ensure that the child’s not in danger.”

WS#1 noted because CM#1 alleged the suspect assaulted her, additional documentation was required, including photographing injuries, requesting medical aid, and providing information to CM#1.

WS#1 further noted the call should not have been cleared as a “280 Union” because that disposition is unrelated to a DV or a family disturbance.

WS#1 described contacting CM#1 and learning the daughter was returned home. WS#1 said noted the named employees’ response and gave them to the named employees. WS#1 said he directed the named employees to write a report but did not send them back to CM#1’s home because CM#1 was concerned their presence could worsen the situation if the suspect saw them. WS#1 also described learning that SPD officers arrested the suspect the following day for a new assault. WS#1 said he asked if CM#1 had injuries, to which the officers responded, “basically from head to toe, she had injuries.”

g. OPA Interviews – Named Employee #1

OPA interviewed NE#1 twice: January 4, 2023, and March 8, 2023.

During his first interview, NE#1 stated he worked at SPD for thirty years. NE#1 said he worked with NE#2 on October 4th.



NE#1 described the initial call from dispatch as a DV order violation and that another unit was initially dispatched with the named employees. NE#1 stated the call was a “Priority 1, “the highest priority.” NE#1 stated the only information he had before arriving at the scene was that it was a “violation of a No Contact Order.”

NE#1 recalled CM#1 not wanting to meet at the house but stated there was no one at the intersection CM#1 indicated, but that he saw CM#1 “waving her hands” from the house. NE#1 said he thought that meant they should meet her at the Airbnb. NE#1 recalled he drove, and NE#2 was responsible for reading dispatched updates. When asked to describe how NE#2 shared dispatched details and updates, NE#1 stated this call “happened so quickly” it “threw him off.”

NE#1 recalled CM#1 asked the officers to turn their lights off. NE#1 said that request also “threw” him, so they told CM#1 to talk to them there. NE#1 said he was also thrown by CM#1’s request to meet in the back of the house as he recently read about an ambushed officer.

NE#1 described talking to CM#1, but “she just kept saying, you know, ‘Hey, I want you to go find my child.’” NE#1 stated he was unaware of CM#1’s assault allegation until WS#1 later told him about it. NE#1 said he did not see any injuries on CM#1 during “the brief time I did look at her.”

OPA asked NE#1 whether they conducted an area check. NE#1 responded, “well – because – well, we – we rode around, went to the gas station to see – to see if we could, you know, find a car at the gas station.” NE#1 indicated they checked the gas station at Safeway and did not see the suspect’s vehicle.

OPA asked NE#1 if he thought he and NE#2 followed SPD Policy 15.410 “Officers will make a reasonable effort to protect the victim and arrest the suspect.” NE#1 responded, “No, we did not. I can’t say we did, no. Looking back at it now, no, no, not – no.” OPA also asked NE#1 if he and NE#2 followed SPD Policy 15.410(5) “The Department is committed to a thorough primary investigation of a domestic violence incident.” NE#1 responded, “looking back on it now, no,” but noted that viewed from the night in question, “I think we did all we could do.” NE#1 stated he complied with BWV policy.

In his second interview, NE#1 confirmed and elaborated on various details from his first interview. Notably, NE#1 stated he and NE#2 should have slowed the call down, but they did not. NE#1 said he did not pick up on CM#1’s comment about getting into “trouble,” so he did not follow up. NE#1 stated he and NE#2 checked Safeway rather than Shell or 76 Stations like CM#1 suggested because that was where they usually found people. NE#1 admitted he and NE#2 did not handle the call properly and, after reviewing BWV, wished he could go back to handle it differently.

h. OPA Interviews – Named Employee #2

OPA interviewed NE#2 twice: January 11, 2023, and March 8, 2023.

During his first interview, NE#2 stated he worked at SPD for fourteen years. NE#1 recalled he partnered with NE#1 on the date in question.



NE#2 recalled the call was dispatched as a DV contact order violation. NE#2 stated another unit was also dispatched. NE#2 noted the call was Priority 1.

NE#2 recalled, on arrival, there was nobody at the intersection indicated by CM#1. NE#2 recalled their lights were activated so CM#1 would see and flag them. NE#2 stated he and NE#1 met CM#1 at the Airbnb.

NE#2 stated the initial call remarks were that CM#1 had a restraining order against her daughter's father and the suspect "just took off with the daughter in vehicle three minutes ago and is intoxicated." NE#2 said he anticipated he and NE#1 would arrest the suspect as "this is obviously going to be a situation where he's going to be arrested for sure when we get there." However, NE#2 said he did not think he was "reading through the CAD system at the time." Instead, he and NE#1 "were just trying to get down there." NE#2 said he did not read the call before arriving.

NE#2 stated he and NE#1 found CM#1 on the front porch, but CM#1 requested to relocate to an alleyway. NE#2 stated he and NE#1 declined for officer safety concerns. NE#2 also said he and NE#1 kept their lights on to be observed from the street.

NE#2 said he and NE#1 knew the call was a DV incident "based on the call." NE#2 said they initially asked CM#1 where the suspect was because, at the time, dispatch indicated the suspect may still be at the location. NE#2 stated he learned the suspect was gone, and they updated dispatch so that the "[other] sector unit did an area search."

NE#2 stated he and NE#2 "kind of tag teamed" the interview. NE#2 said he asked initial questions because his "next step is to complete [] reports or whatever." However, CM#1 "was very focused on the fact her child was still missing and being driven around in the vehicle by her intoxicated boyfriend." NE#2 stated he was "getting ready to tell [CM#1], 'Hey, look, you're going to want a report,'" for court purposes, but CM#1 told him she did not want a report and was, instead, "very adamant about us getting her child now." NE#2 said he asked CM#1 again if she wanted a report, but she said, "no, I don't want a report. I just want you to go and find my kid now, like, that type of thing."

NE#2 did not recall whether he or NE#1 questioned CM#1 about whether or why she feared the suspect.

NE#2 could not recall which gas stations they checked for the suspect. NE#2 stated he thought the CAD remarks may have mentioned possible locations to search and that "maybe the [other] sector call had gone to the area search" at one of those locations. NE#2 stated he and NE#1 "completed an area search, and then that was – that was it." NE#2 said he completed a report after WS#1 "suggested" he write a report but stated WS#1 did not order him to write a report.

NE#2 stated he believed he followed policy for the call.

In his second OPA interview, NE#2 confirmed information from and elaborated on his first interview. Notably, NE#2 stated he did not slow the call down after learning the suspect was not present because CM#1's request to meet in the alley threw him off. NE#2 said he did not request other units to search for the suspect's vehicle because another unit was dispatched but admitted he did not know if that unit conducted an area search. Instead, NE#2 stated he only knew another unit was assigned to the call. NE#2 acknowledged his failure to write a report was against policy and that he did not believe he conducted a thorough DV investigation.



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 the named employees did not make a reasonable effort 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 fell short of SPD Policy 15.410’s standard in several ways. In summary, neither officer demonstrated dedication to “assisting and protecting” DV victims or arresting DV offenders. Nor did the officers offer genuine support to CM#1, who feared for her and her infant’s safety. Specifically, she reported the intoxicated and violent suspect drove her baby around but would possibly return.

After arriving at the incident location, the named employees did not determine whether the call was DV related. Even though the named employees knew the call was for a No Contact Order violation, they did not appear to learn the order’s details or facts about how it was violated. Although they spoke with CM#1 for only five-and-a-half minutes, the officers did not attempt to reassure her or build rapport. Overall, had they had a meaningful dialogue with CM#1 or read the CAD updates, they would have known about the abuse allegation.

However, not only did they fail to photograph CM#1’s injuries or document the absence thereof (*see* SPD Policy 15.180-POL-1) or document their primary investigation in a report until directed to do so (*see* SPD Policy 15.180-POL-5), they never gathered basic information to answer threshold questions about what occurred between CM#1 and the suspect because they did not adequately interview CM#1 as required for DV investigations. *See* SPD Policy 15.180-POL-3 (“Officers shall take victim statements in all domestic violence investigations.”). Relatedly, the officers inappropriately cleared the call as a “280 Union,” despite it being a DV call, and did not complete a report until ordered by WS#1.

Further, the officers did not advise CM#1 about available resources, like shelters, provide her with a resource guide, ask about firearms or deadly weapons, or facilitate her relocation to a safe space.

Finally—and perhaps most troubling—after repeatedly telling CM#1 they would conduct an “area search” for the suspect and her missing daughter, the officers did nothing more than sit outside a Safeway. They waited for over twenty minutes at the store’s entrance—not even the gas station. The officers did not canvass other nearby gas stations—including either of the two mentioned explicitly by CM#1 and recorded in the CAD. Nor did the officers



request assistance from other units or confirm whether other units canvassed for the suspect's vehicle. In short, the named employees made no genuine effort to locate and arrest a DV suspect, who allegedly committed a felony No Contact Order violation, assaulted CM#1, and drove away intoxicated with a baby.

Accordingly, 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 the named employees failed to conduct a thorough primary investigation of a DV 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."

Here, the named employees performed no meaningful primary investigation, let alone a "thorough" one. Not only did they fail to conduct a primary investigation as required under 15.410-POL-3 and 15.180 (as discussed above at Named Employee #1, Allegation #1), they did not obtain the suspect's domestic violence history, complete a Domestic Violence supplement, or use a sworn affirmation for CM#1's statement. Several other steps directed in SPD Policy 15.410-TSK-1 and 15.410-TSK-2 were also missed.

OPA must address two other issues. First, to the extent NE#1 or NE#2 corrected any documentary or other issues after WS#1 ordered them to return to the precinct to complete a report, the initial failure still constitutes a policy violation. They cleared the call indicating a report was not written. Moreover, they only completed a report after WS#1 ordered them to do it. It was not a "suggestion," like NE#2 told OPA. WS#1 stated he ordered the report completed ("I . . . let them know, hey, that report needs to be written."). The Complainant also documented that he directed WS#1 to "order" them "into the precinct [to] complete the report."

Second, the officers' failure to learn about the DV No Contact Order violation and assault rests with them alone. That information was readily available in the CAD remarks. They could have easily read those remarks at the incident location or while sitting at Safeway for over twenty minutes. Moreover, NE#2's suggestion that they did not get the necessary information because of CM#1's urgency to locate her child does not justify their failure.² As WS#1 explained, locating the suspect and the child was the appropriate first concern. CM#1's focus on her baby's safe return was

² NE#1 described talking to CM#1, but "she just kept saying, you know, 'Hey, I want you to go find my child.'" NE#2 stated he started to ask CM#1 some questions because his "next step is to complete [] reports or whatever," but CM#1 "was very focused on the fact her child was still missing and being driven around in the vehicle by her intoxicated boyfriend." NE#2 stated he was "getting ready to tell [CM#1], 'hey, look, you're going to want a report,'" for court purposes, but that CM#1 told him she did not want a report and was, instead, "very adamant about us getting her child now." NE#2 said he asked CM#1 again if she wanted a report, but she said "no, I don't want a report. I just want you to go and find my kid now, like, that type of thing."



understandable, and the named employees should have realized CM#1 would not readily provide other information until that concern was addressed. Also, it is not incumbent on crime victims to provide police officers with information in a manner conducive to writing reports. Instead, it is the police officer's job to probe the knowledge of a crime victim to gather the information they need. This could hardly have been accomplished in this case in the mere five-and-a-half minutes the officers were on scene, especially as NE#1 spent a significant portion of that time in the patrol vehicle, and NE#2 spent a notable amount of that time at a distance communicating on the radio.

Accordingly, 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 named employees allegedly failed to comply with the Department's BWV policy.

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).

Here, the named employees stopped their BWV shortly before leaving the scene. The named employees purportedly conducted an "area check" by driving directly to Safeway. To the extent the named employees claim this constituted part of their "active investigation" as they were trying to locate the suspect, a "person involved in the event," it should have been recorded by BWV. See SPD Policy 16.090-POL-1(5)(i) ("Determining the Conclusion of an Event").

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**