



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2014-0688

Issued Date: 05/13/2015

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (2) Employee Must Adhere to Laws and Department Policy – Mandatory Arrest in Domestic Violence (Policy that was issued 02/26/09)
OPA Finding	Not Sustained (Unfounded)
Allegation #2	<u>Seattle Police Department Manual</u> 15.180 (5) Document on General Offense Report (Policy that was issued 05/21/14)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (2) Employee Must Adhere to Laws and Department Policy – Mandatory Arrest in Domestic Violence (Policy that was issued 02/26/09)
OPA Finding	Not Sustained (Unfounded)
Allegation #2	<u>Seattle Police Department Manual</u> 15.180 (5) Document on General Offense Report (Policy that was issued 05/21/14)
OPA Finding	Not Sustained (Training Referral)
Final Discipline	N/A

Named Employee #3	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (2) Employee Must Adhere to Laws and Department Policy – Mandatory Arrest in Domestic Violence (Policy that was issued 02/26/09)
OPA Finding	Not Sustained (Unfounded)
Allegation #2	<u>Seattle Police Department Manual</u> 15.180 (5) Document on General Offense Report (Policy that was issued 05/21/14)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

INCIDENT SYNOPSIS

The named employees were dispatched to an anonymous complaint of two males fist fighting. When they arrived both subjects were described to be highly intoxicated and uncooperative with the investigation. It was determined that the two males were in a dating relationship and proceeded with the investigation as a possible domestic violence incident. The named employees were unable to establish the cause of the injuries or determine the primary aggressor. After screening the incident with a supervisor, it was determined that insufficient probable cause existed to make an arrest. The supervisor was on his way to the scene but both males declined to wait to speak with him.

COMPLAINT

The complainant, a supervisor within the Department, alleged the named employees failed to make a custodial arrest during “mandatory arrest domestic violence situation.”

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint email
2. Review of In-Car Video
3. Search for and review of all relevant records and other evidence
4. Interviews of witnesses
5. Interviews of SPD employees

ANALYSIS AND CONCLUSION

A thorough review of the evidence showed that the named employees properly conducted a preliminary investigation including an interview of a non-involved civilian witness. The witness account was important information in making a determination of whether or not probable cause existed to arrest either party as the primary aggressor in a domestic violence incident. The named employees properly contacted their supervisor to screen the incident. While policy requires that investigative detentions require the in-person review of a supervisor, the period of detention may not be extended to merely facilitate the arrival of a supervisor. Named employee #2 wrote the general offense report but omitted key information from the non-involved civilian witness.

FINDINGS

Named Employee #1 and #3

Allegation #1

The evidence showed that named employee #1 and named employee #3 were not required to make an arrest under the circumstances. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Mandatory Arrest in Domestic Violence*.

Allegation #2

The evidence showed that named employee #1 and named employee #3 were not the primary officer responsible for documenting the incident. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Document on General Offense Report*.

Named Employee #2

Allegation #1

The evidence showed that named employee #2 was not required to make an arrest under the circumstances. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Mandatory Arrest in Domestic Violence*.

Allegation #2

A finding of **Not Sustained** (Training Referral) was issued for *Document on General Offense Report*. Named employee #2 did not include in his General Offense Report specific information that would have more clearly explained the basis for the decision not to make an arrest. This employee would benefit from some form of training in conducting and documenting a primary investigation.

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.