



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-0424

Issued Date: 01/03/2017

Named Employee #1 and #2	
Allegation #1	<u>Seattle Police Department Manual</u> 15.180 (1) Primary Investigations: Officers Shall Conduct a Thorough and Complete Search for Evidence (Policy that was issued April 1, 2015)
OPA Finding	Not Sustained (Training Referral)
Allegation #2	<u>Seattle Police Department Manual</u> 15.180 (3) Primary Investigations: Officers Shall Take Statements in Certain Circumstances (Policy that was issued April 1, 2015)
OPA Finding	Not Sustained (Training Referral)
Allegation #3	<u>Seattle Police Department Manual</u> 5.001 (2) Standards and Duties: Employees Must Adhere to Laws, City Policy and Department Policy (Policy that was issued April 1, 2015)
OPA Finding	Not Sustained (Training Referral)
Final Discipline	N/A

Named Employee #3	
Allegation #1	<u>Seattle Police Department Manual</u> 6.010-TSK-1 Arrests: Sergeant Screening and Approving An Arrest (Policy that was issued February 1, 2016)
OPA Finding	Not Sustained (Training Referral)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employees responded to a domestic disturbance.

COMPLAINT

The complainant, a supervisor within the Department, alleged that the Named Employees failed to make a mandatory Domestic Violence (DV) arrest, and that they instead had the individual transported to the hospital for an involuntary "committal" or a Mental Health Evaluation. The complainant also alleged that the supervisor failed to overrule the officers' decision when they screened this call with him.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint memo
2. Review of In-Car Videos (ICV)
3. Search for and review of all relevant records and other evidence
4. Interviews of SPD employees

ANALYSIS AND CONCLUSION

The complainant alleged that Named Employee #1 and #2 failed to make a mandatory DV arrest. It was alleged that Named Employee #3 did not properly screen the incident leading to the subject being involuntarily committed instead of booked into jail. Named Employee #1 and Named Employee #2 responded to a domestic disturbance where the victim advised the 911 call taker that the subject had threatened to kill her and that he had also kicked her. Named Employee #1 spoke with the victim. She stated that the subject was recently released from a psychiatric hospital and had ongoing problems. She alleged that he kicked her and threatened to kill her and she wanted him returned to the hospital. Named Employee #1 did not believe that he had a mandatory arrest situation and that the subject would be better served by going back to the hospital. Because he did not believe it was a mandatory DV arrest he did not conduct a full DV investigation, including taking statements as required. He screened it with

Named Employee #3 who approved of the involuntary committal. The law states that an officer shall take into custody anyone who is over 16 years of age and commits a DV assault. The intent of the legislation was to provide the maximum protection possible to victims of domestic violence. It was clear from the evidence and the Named Employees' interviews that they took into consideration the protection of the victim, the fact the subject was in crisis and their desire to find a course of action that would best serve the needs of the subject. The officers clearly were motivated to fulfill the Department's commitment to assisting those in crisis over merely incarcerating them. However, the jail does provide greater safeguards for victims of domestic violence; a condition of release is that the subject must sign a No Contact Order. The jail can also make mental health referrals for subjects in need of additional services.

FINDINGS

Named Employee #1 and #2

Allegation #1

Taking into consideration the intent of the Named Employees, the intent of the law and the Department's commitment to alternate resolutions for those in crisis, a finding of **Not Sustained** (Training Referral) was issued for *Primary Investigations: Officers Shall Conduct a Thorough and Complete Search for Evidence.*

Allegation #2

Taking into consideration the intent of the Named Employees, the intent of the law and the Department's commitment to alternate resolutions for those in crisis, a finding of **Not Sustained** (Training Referral) was issued for *Primary Investigations: Officers Shall Take Statements in Certain Circumstances.*

Allegation #3

Taking into consideration the intent of the Named Employees, the intent of the law and the Department's commitment to alternate resolutions for those in crisis, a finding of **Not Sustained** (Training Referral) was issued for *Standards and Duties: Employees Must Adhere to Laws, City Policy and Department Policy.*

Required Training: The Named Employees' supervisor needs to review the mandatory arrest provisions with Named Employee #1 and #2. The supervisor should also review with the Named Employees how to conduct a primary investigation into domestic violence, emphasizing when statements are required. The supervisor should also take time to recognize Named Employee #1 and #2's commitment to serving the community, particularly those in crisis. Named Employee #2 should be reminded that, in a two-officer car, both officers are equally responsible for the decisions made during an incident. Stating that he was the back-up officer did not relieve Named Employee #2 of the responsibility ensuring that law, policy and training were followed.

Named Employee #3

Allegation #1

The preponderance of the evidence showed that Named Employee #3 may not have had all the details of the incident and his intention was to provide an alternative resolution for a subject in crisis. Therefore, a finding of Not Sustained (Training Referral) was issued for *Arrests: Sergeant Screening and Approving An Arrest*.

Required Training: The Named Employee's supervisor should counsel NE #3 on the nature and importance of the role of a supervisor in the arrest process. Emphasize to Named Employee #3 that asking questions and being certain of the facts of the incident are crucial to giving good guidance to officers.

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.