



## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Closed Case Summary

Complaint Number OPA#2017-0052

Issued Date: 06/15/2017

Named Employee #1	
Allegation #1	<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	<b>Not Sustained</b> (Lawful and Proper)
Allegation #2	<u>Seattle Police Department Manual</u> 11.030 (2) Guarding Detainees at a Hospital: Hospitalized Detainees Arrested for a Felony, Felony Warrant, Repeat DUI Offense, or Domestic Violence Related Crime Require a Hospital Guard (Policy that was issued February 1, 2016)
OPA Finding	<b>Not Sustained</b> (Lawful and Proper)
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	<b>Not Sustained</b> (Training Referral)
Final Discipline	N/A

<b>Named Employee #2</b>	
Allegation #1	<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	<b>Not Sustained</b> (Unfounded)
Allegation #2	<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	<b>Not Sustained</b> (Unfounded)
Allegation #3	<u>Seattle Police Department Manual</u> 15.180 (5) Primary Investigations: Officers Shall Document all Primary Investigations on a General Offense Report (Policy that was issued April 1, 2015)
OPA Finding	<b>Not Sustained</b> (Lawful and Proper)
Final Discipline	N/A

<b>Named Employee #3</b>	
Allegation #1	<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	<b>Not Sustained</b> (Unfounded)
Allegation #2	<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	<b>Not Sustained</b> (Unfounded)
Allegation #3	<u>Seattle Police Department Manual</u> 15.180 (5) Primary Investigations: Officers Shall Document all Primary Investigations on a General Offense Report (Policy that was issued April 1, 2015)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Final Discipline	N/A

## **INCIDENT SYNOPSIS**

The Named Employees responded to a Domestic Violence (DV) call.

## **COMPLAINT**

The complainant, the Force Review Board (FRB), identified potential policy violation in that the FRB could not determine why a Domestic Violence (DV) arrest was not made. OPA's intake revealed that the primary and secondary officers may have failed to conduct a complete and thorough investigation and did not document an arrest of the subject for DV. The Named Employee Supervisor did not catch this at screening and also failed to post a guard at the hospital per policy in DV cases.

## **INVESTIGATION**

The OPA investigation included the following actions:

1. Interview of the complainant
2. Search for and review of all relevant records and other evidence
3. Review of In-Car Videos
4. Interviews of SPD employees

## **ANALYSIS AND CONCLUSION**

The preponderance of the evidence from the OPA investigation showed that Named Employee #1 took a recorded statement from the suspect and handled it in a manner consistent with policy.

The preponderance of the evidence from the OPA investigations showed that Named Employee #1 handled the arrangements for guarding the suspect at the hospital in a manner consistent with policy. The guard was removed by someone else after Named Employee #1 went off shift and outside of his control.

The preponderance of the evidence from the OPA investigation showed that Named Employee #1 came to the judgment that the evidence was insufficient to form probable cause to arrest the suspect for Domestic Violence. While it appeared this judgment may have been in error, the evidence supported the conclusion it was made in good faith.

Named Employee #2 was a student officer who had never encountered a situation such as this before. She did not realize she was being designated as "primary" for this call until after she left the scene and the suspect had already been transported to the hospital. Named Employee #2 was handed the task of writing the General Offense Report without the benefit of actually doing the primary investigation. She should never have been given this task and did the best she could once the incident was assigned to her.

Named Employee #2 was not responsible for the decision regarding whether or not to make an arrest in this DV case.

Named Employee #2 wrote the General Offense Report for this incident.

Named Employee #3 was not the primary officer and was not responsible for taking statements as part of this investigation.

Named Employee #3 was not the primary officer and was not responsible for the decision regarding whether or not to make an arrest in this DV case.

Named Employee #3 was not the primary officer and was not responsible for writing the General Offense Report for this incident.

## **FINDINGS**

### **Named Employee #1**

#### Allegation #1

A preponderance of the evidence showed that Named Employee #1 took a recorded statement from the suspect as required by policy. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Primary Investigations: Officers Shall Take Statements in Certain Circumstances*.

#### Allegation #2

A preponderance of the evidence showed that Named Employee #1 handled the arrangements for guarding the suspect at the hospital in a manner consistent with policy. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Guarding Detainees at a Hospital: Hospitalized Detainees Arrested for a Felony, Felony Warrant, Repeat DUI Offense, or Domestic Violence Related Crime Require a Hospital Guard*.

#### Allegation #3

The evidence showed that the Named Employee would benefit from additional training. Therefore 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:** Named Employee #1 should receive training and counseling from his supervisor regarding the importance of reviewing all the evidence and statements from a Domestic Violence investigation before determining whether or not there is probable cause to make a mandatory DV arrest.

## **Named Employee #2**

### Allegation #1

A preponderance of the evidence showed that Named Employee #2 should never have been given this task and did the best she could once the incident was assigned to her after the fact. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Primary Investigations: Officers Shall Take Statements in Certain Circumstances*.

### Allegation #2

A preponderance of the evidence showed that Named Employee #2 was not responsible for the decision regarding whether or not to make an arrest in this DV case. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Standards and Duties: Employees Must Adhere to Laws, City Policy and Department Policy*.

### Allegation #3

A preponderance of the evidence showed that Named Employee #2 wrote the General Offense Report for this incident. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Primary Investigations: Officers Shall Document all Primary Investigations on a General Offense Report*.

## **Named Employee #3**

### Allegation #1

A preponderance of the evidence showed that Named Employee #3 was not the primary officer and was not responsible for taking statements as part of this investigation. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Primary Investigations: Officers Shall Take Statements in Certain Circumstances*.

### Allegation #2

A preponderance of the evidence showed that Named Employee #3 was not the primary officer and was not responsible for the decision regarding whether or not to make an arrest in this DV case. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Standards and Duties: Employees Must Adhere to Laws, City Policy and Department Policy*.

### Allegation #3

A preponderance of the evidence showed that Named Employee #3 was not the primary officer and was not responsible for writing the General Offense Report for this incident. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Primary Investigations: Officers Shall Document all Primary Investigations on a General Offense Report*.

*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.*