



## **CLOSED CASE SUMMARY**

ISSUED DATE:      AUGUST 22, 2019

CASE NUMBER:     2019OPA-0138

### **Allegations of Misconduct & Director’s Findings**

Named Employee #1

Allegation(s):		Director’s Findings
# 1	15.180 - Primary Investigations 5. All reports must be complete, thorough and accurate	Not Sustained (Lawful and Proper)

***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.***

### **EXECUTIVE SUMMARY:**

The Complainant alleged that the Named Employee did not conduct an adequate investigation into two domestic violence incidents.

### **ADMINISTRATIVE NOTE:**

This case was designated as an Expedited Investigation. This means that OPA, with the Office of Inspector General’s review and approval, believed that it could reach and issue recommended findings based solely on its intake investigation and without interviewing the Named Employee. As such, the Named Employee was not interviewed as part of this case.

During its intake investigation, OPA determined that another officer who responded to the scene did not complete a DV Supplemental Report. This matter was handled by that officer’s chain of command as a Supervisor Action.

### **ANALYSIS AND CONCLUSIONS:**

#### **Named Employee #1 - Allegations #1**

***15.180 - Primary Investigations – 5. All reports must be complete, thorough and accurate.***

The complaint in this case concerned the law enforcement response to two domestic violence (DV) incidents. As part of its investigation, OPA interviewed the Complainant. She detailed the various arguments that she and her husband had and the abuse he inflicted on her and their children. She first called the police after one specific DV incident. On that occasions, her husband grabbed her face, squeezed her face hard, and shook her head. She stated that her husband also spat in her face twice and slapped her arms while laughing. Lastly, she recounted that he walked through the house kicking items he paid for and breaking a computer keyboard, which ultimately prompted her to call the police. Her husband responded by leaving the house and took their only car.

The Complainant recalled that, when officers responded, she told them everything that took place between her and her husband during the incident that prompted the call. She believed that she told them that her husband had been



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physical in the past. She stated that she told officers that she did not want her husband arrested. When the officers left, they told her to call 911 if her husband returned. The Complainant expressed frustration to OPA concerning the police report associated with this incident. She was particularly upset because officers wrote that the Complainant said that her husband had never been physical in the past, which she believed was inaccurate.

The Complainant's husband came back later that night. The Complainant stated that she let him inside of their home because he looked cold (there was an ongoing snow storm) and because she feared that she would be held responsible if anything happened to him. Her husband locked himself in their bedroom and wouldn't leave until she threatened to call the police. She stated that he then gathered his things and yelled at her before leaving. Her husband stated that he was going to drive around until he ran out of gas.

The Complainant again called the police to her home. On that occasion, Named Employee #1 (NE#1) and another officer responded. The Complainant asked about being able to have her husband arrested. She told OPA that she felt that NE#1 changed the subject. She recalled that the officers told her that they saw her husband driving around the neighborhood. The Complainant further reported to NE#1 that, several days earlier, her husband had tripped their daughter causing her to suffer black eye. The Complainant told NE#1 and the other officer that she wanted the tripping of her daughter to be documented. The officers told her that Child Protective Services (CPS) would have to be notified. The Complainant stated that it took longer than she expected for CPS to get back to her and that she believes that NE#1 failed to contact CPS in a timely manner.

Based on the Complainant's allegations, OPA pulled the documentation and video concerning the law enforcement response to both calls for service.

OPA learned the following concerning the first incident. According to SPD reports, officers responded to a DV – No Assault call. The call remarks provided to officers were: "...RP HUSB REF TO LEAVE, DID GRAB HER FACE AND SQUEEZE IT EARLIER TONIGHT...NO WPNS. The primary officer wrote that he contacted the Complainant who told him that she and her husband live together with their three children. According to the report, the Complainant told officers that she and her husband had been arguing throughout the day about finances and his lack of a job. The Complainant told the officers that she called 911 because her husband refused to leave, and she wanted the arguing to stop. The Complainant reportedly told the officers that he left once she called 911 and was no longer on scene. It was further reported that the Complainant told officers that her husband had placed his hand on her lower face near her chin. The Complainant stated that this did not cause her any pain, that she was not injured, and that she did not want medical attention. It was also reported that the Complainant said that her husband never assaulted her in the past. The primary officer reported that he checked the Complainant's face for injuries and could not see any. He also reported that the Complainant stated that her husband had thrown a keyboard and plate against the wall, but that the Complainant did not want to be a victim of property crime. It was further reported that the husband left in the family vehicle and that the Complainant did not believe that her husband would return that night. According to the report, the Complainant stated that she would lock the doors to prevent her husband from coming back inside and that the officer advised her to call 911 if her husband returned. The primary officer noted that he then gave her the case number and a DV pamphlet.

OPA learned the following concerning the second incident. Officers responded to a second DV call at the Complainant's residence. The Complainant told NE#1 that her husband had returned to the house after the earlier incident and pulled up his fist like he was going to hit her. NE#1 reported that the Complainant told him that her



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husband has not been physically violent and that she did not know if he would actually hit her or not. NE#1 noted that the Complainant would not confirm if she was in fear of being punched. NE#1 wrote that the Complainant let her husband back into their home because she was afraid he might freeze from the cold, and that he locked himself in their bedroom and refused to leave. The Complainant stated that she told her husband to leave, but he refused so she called 911. She stated that he left prior to officers arriving. NE#1 reported that the Complainant told officers about an incident that took place a few days earlier where her husband tripped one of their children on purpose, which caused pain and an injury to the child's face. It was further reported that the Complainant stated that she did not intervene because she was afraid her husband might become violent towards her. NE#1 noted in his report that he advised the Complainant to make use of the previously provided DV pamphlet to get a protection order and housing. NE#1 noted that the Complainant said that she already had a divorce lawyer and would consider the housing. Included in the reports was information that NE#1 and another officer observed her husband driving in their car but that her husband did not stop to allow officers to make contact with him.

OPA reviewed the Body Worn Video (BWV) associated with these two incidents. The BWV for the first incident, showed the primary officer explaining to the Complainant about the report that he would write. BWV recorded the Complainant stating that her husband had made threats before but not physical threats. It also captured the Complainant telling the officer that she had not been afraid of her husband until then.

The BWV for the second incident showed the Complainant asking about the arrest of her husband and NE#1 responding by telling her that he would try to contact the husband and go from there. It also recorded NE#1 making several attempts to locate the husband without success. NE#1 was further captured telling the Complainant that the alleged assault on her daughter would likely be routed to CPS. BWV lastly documented NE#1 and another officer discussing the process of forwarding information to CPS.

SPD Policy 15.180-POL-5 concerns primary investigations and directs officers that their reports must be complete, thorough and accurate.

Based on a review of the totality of the evidence, it appears that the reports generated concerning both DV incidents were consistent with policy and supported by the BWV. The investigation conducted by NE#1 and the other involved officers appeared to have been comprehensive, thorough, and complete. The officers seemed, in OPA's perspective, to have treated the Complainant respectfully. In reaching this decision, OPA is very cognizant of the difficult situation that the Complainant faced and her frustration with her husband not being arrested and/or criminally charged. However, this was not due to any malfeasance on the part of NE#1 or other officers. Ultimately, for these reasons, I recommend that this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained (Lawful and Proper)**