



CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 27, 2020

CASE NUMBER: 2019OPA-0601

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	15.180 - Primary Investigations 5. Officers Shall Document all Primary Investigations on a Report	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 conducted an insufficient investigation into an assault that was perpetrated against her.

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.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

15.180 - Primary Investigations 5. Officers Shall Document all Primary Investigations on a Report

Officers, including Named Employee #1 (NE#1), were dispatched to a large disturbance. There was a report of four to five women fighting. NE#1 saw the fight occurring and took one of the combatants into custody.

NE#1 also determined that the Complainant, who had been treated at the scene by the Seattle Fire Department, had intervened in the fight. The Complainant reported that she used pepper spray to try to disperse the fight. She said that she was walking back to her car when someone began trying to pull her hair out and struck her several times. She recounted that her friend stepped in and broke the fight up. The Complainant told NE#1 that she wanted a report to be written. She provided NE#1 with a description of the assailant. While officers later conducted an area check, the assailant was not located. Another officer took custody of the Complainant's keys temporarily because he thought that both the Complainant and her friend were intoxicated. The keys were ultimately returned. NE#1 completed a report concerning the incident and listed the Complainant as the victim.

The Complainant subsequently initiated this complaint with OPA. She alleged that SPD officers – most notably NE#1 – failed to adequately investigate the assault against her. She stated that she was largely ignored by the officers and then treated like a suspect. She alleged that NE#1 was reluctant to take a report but ultimately agreed to do so. The Complainant criticized NE#1 and the other officers for not looking for witnesses and third-party video, as well as for

not making an arrest. She believed that the report generated by NE#1 had a number of inaccuracies, including referring to her as being at a club prior to the assault. Lastly, she alleged that the officers improperly seized her car keys. OPA's investigation into this incident ensued.

As part of its investigation, OPA interviewed the Complainant. She reiterated the allegations she made in her written complaint. OPA also reviewed the Body Worn Video (BWV) of this incident, as well as the report generated by NE#1.

While the Complainant made varied allegations, OPA believes that they predominantly centered on her belief that NE#1 conducted an inadequate investigation and, as such, this was the focus of OPA's review. SPD Policy 15.180 governs primary investigations. As a general matter, officers must conduct a complete and thorough search for evidence during a primary investigation. Moreover, the reports generated by officers must be "complete, thorough and accurate."

Based on OPA's analysis of the video and reports, OPA finds that the primary investigation conducted by NE#1 in this case and the report that he generated did not violate policy. Contrary to the Complainant's assertions, the officers did canvas the scene for independent witnesses and in an attempt to locate the suspect. Indeed, the officers collectively interviewed a number of people. Moreover, NE#1 detained a woman to determine her role in the disturbance and whether she was involved in the assault. While it does not appear that any of the officers canvassed for third-party video, this did not make the investigation so deficient that it was contrary to policy. Indeed, given the specific description provided by the Complainant, video may not have been necessary. Lastly, the officers had a legitimate basis to take custody of the Complainant's keys temporarily as they were concerned that both the Complainant and her friend were intoxicated and did not want them to drive from the scene. Once it was determined that the Complainant was not intoxicated, her keys were returned to her.

The above being said, OPA identified two issues with NE#1's investigation and the report he generated. First, OPA believes that it would have been optimal to photograph the Complainant's injuries. Even though the assault at issue was believed to be a misdemeanor, obtaining photographic evidence would have been consistent with best practices. Second, in his report, NE#1 wrote that, prior to intervening in the fight, the Complainant had been inside of a "nearby club." This statement was inaccurate based on a review of the Body Worn Video (BWV), which fully captured the conversation between NE#1 and the Complainant. As such, the Complainant was correct to identify this mistake. However, this error was irrelevant to the assault itself and, thus, was inconsequential. As such, while it may have been frustrating to the Complainant, the mistake by NE#1 did not violate policy.

For the above reasons, OPA finds that NE#1 substantially complied with SPD Policy 15.180 during this incident. Accordingly, OPA recommends that this allegation be Not Sustained – Lawful and Proper.

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