



CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 12, 2020

CASE NUMBER: 2019OPA-0742

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	15.410 - Domestic Violence Investigation 3. Officers Will Make a Reasonable Effort to Protect the Victim and Arrest the Suspect	Not Sustained (Training Referral)

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:

It was alleged that the Named Employee failed to properly investigate and document a domestic violence incident.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

15.410 - Domestic Violence Investigation 3. Officers Will Make a Reasonable Effort to Protect the Victim and Arrest the Suspect

While a student officer in his checkout phase, Named Employee #1 (NE#1) was dispatched to a potential domestic violence (DV) incident. When his shadow Field Training Officer (FTO) later reviewed NE#1's report, he noted that it appeared that NE#1 had not properly investigated the DV incident. The FTO notified a supervisor who later directed NE#1 to return to the scene and complete a full DV investigation. NE#1 did so and generated a supplemental report. Given the concerns of both the supervisor and the FTO regarding NE#1's failure to properly investigate this matter, the supervisor made an OPA referral. This investigation ensued.

As part of its investigation, OPA reviewed the Body Worn Video (BWV) that recorded NE#1's response to the DV incident. The video conclusively established that, consistent with the descriptions of the supervisor and the FTO, NE#1 failed to adequately investigate the incident. From OPA's review, it appeared that he treated the incident as a crisis event rather than a DV matter, which was in error. OPA further concurs with the supervisor and the FTO that the initial report completed by NE#1 was inadequate. His later supplemental report was sufficiently more detailed.

SPD Policy 15.410-POL-3 states that "officers will make a reasonable effort to protect the victim and arrest the suspect." The policy sets forth the various tasks officers are required to complete when responding to a domestic violence incident. (See SPD Policy 15.410-POL-3.)

As discussed above, NE#1 did not conduct an adequate DV investigation during his initial response to this incident and, in this respect violated Department policy. Violations of the policies governing DV investigations are taken very seriously by the Department and result in Sustained findings. Moreover, and as a general matter, disciplinary suspensions are often imposed. However, OPA believes that retraining rather than discipline is the appropriate outcome in this case for two main reasons. First, at the time of this incident, NE#1 was still a student officer, even if

he was in his check out phase. OPA usually does not believe that student officers should receive discipline, except in egregious incidents, as they are still learning and are expected to make mistakes. Second, NE#1 has already received substantial retraining and counseling from the shadow FTO and OPA hopes that, given how comprehensive this training was, NE#1 will understand why his conduct was inconsistent with policy and will avoid revisiting this behavior in the future. If this is not the case, NE#1 should expect that OPA will investigate any similar cases moving forward and that prospective violations will likely result in Sustained findings and discipline.

The above being said, and for the reasons set forth herein, OPA recommends that this allegation be Not Sustained – Training Referral.

- **Training Referral:** NE#1's chain of command should review this DCM with him and ensure that he understands the expectation that he properly investigates DV incidents moving forward. NE#1 should be put on notice that future violations of this policy will result in potential Sustained findings and the imposition of discipline. Any retraining and counseling that is completed by the chain of command should be documented and this documentation should be maintained in an appropriate database.

Recommended Finding: **Not Sustained (Training Referral)**