



## ***CLOSED CASE SUMMARY***

ISSUED DATE: FEBRUARY 28, 2020

CASE NUMBER: 2020OPA-0071

### **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)

#### **Named Employee #2**

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

#### **Named Employee #3**

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties 10. Employees Shall Strive to be Professional	Not Sustained (Unfounded)

***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 Employees made inaccurate statements to her during a domestic violence investigation, as well as provided her with incomplete information. The Complainant further alleged that unknown SPD officers engaged in harassment and intimidation towards her by causing Anacortes Police Department employees to go to her residence to perform a welfare check on her.

### **ADMINISTRATIVE NOTE:**

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

During its investigation, OPA identified that the Named Employees did not complete a Sworn Affirmation Form after they completed the interview of the Complainant. The Named Employees were also determined to have not completed a Domestic Violence supplemental report as required by policy. OPA determined that, while technically violations of policy, these issues were better addressed by training and counseling rather than through discipline. As such, OPA returned these issues back to the chain of command to be handled as Supervisor Actions.



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**ANALYSIS AND CONCLUSIONS:**

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

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

The Named Employees responded to investigate a domestic violence (DV) assault against the Complainant. Their investigation included interviewing the Complainant and photographing her injuries. The Named Employees developed probable cause to arrest the Complainant's ex-boyfriend for DV assault. The Named Employees subsequently documented their investigation in a report.

At the time they interviewed the Complainant, the Named Employees asked her if she wanted her personal information to be disclosed. She stated that she did not. The Complainant later made a public disclosure request for the report and obtained it. When she reviewed the report, she saw that it included her name.

She subsequently initiated this complaint with OPA. She asserted that, given that her name was included in the report, the officers "lied" to her when they told her that her information would not be disclosed. She further contended that her statement was taken under false pretenses and that, as a general matter, there was inaccurate information in the report completed by the Named Employees.

SPD Policy 15.180-POL-5 requires officers to document all primary investigations in a report. The report must be complete, thorough, and accurate.

As a starting point, the Named Employees' interaction with the Complainant was captured on Body Worn Video (BWV). The video disproved the Complainant's assertion that the Named Employees lied to her. To the contrary, it established that the Named Employees appropriately advised her of the option for her personal information to not be disclosed and then properly marked that option on the report. Moreover, contrary to the Complainant's belief, marking a form as do not disclose does not prevent a person's name from being publicly available, but only protects from disclosure the person's address, date of birth, and other identifying information. Here, that information was redacted in the report.

In addition and based on OPA's review of the BWV and the interview of the Complainant, there was no indication that her interview was obtained under false pretenses or that there were any inaccuracies in the report. As such, OPA concludes that this aspect of the Complainant's claim is also disproved by the evidence.

Accordingly, OPA recommends that this allegation be Not Sustained – Lawful and Proper as against both NE#1 and NE#2.

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



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**Named Employee #2 - Allegations #1**

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

For the same reasons as stated above (see Named Employee #1 – Allegation #1), OPA recommends that this allegation be Not Sustained – Lawful and Proper.

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

**Named Employee #3 - Allegations #1**

***5.001 - Standards and Duties 10. Employees Shall Strive to be Professional***

After receiving the Named Employees' report, the Complainant contacted SPD. At that time, she stated that she wanted to amend the report and to redact her previous statement, which she asserted had been obtained under false pretenses. She later alleged to OPA that, as a result of her phone call, unknown SPD officers spoke to employees of the Anacortes Police Department and caused them to go to her home to perform a welfare check. She alleged that this was improper and constituted "intimidation" and "harassment" of her by the unknown SPD employees.

OPA's investigation revealed that 911 dispatchers attempted to call the Complainant three times after her initial call concerning the report. They did so due to the substance of the Complainant's request coupled with the DV nature of the underlying incident. After not being able to make contact with the Complainant, a 911 dispatcher asked Anacortes Police Department officers to perform a welfare check on the Complainant to ensure that she was not under "duress."

Given this, OPA concludes that there is no evidence supporting the Complainant's claim that unknown SPD officers engaged in intimidation or harassment of her. To the contrary, it appeared that the 911 dispatcher who requested that the Anacortes Police Department perform a welfare check acted reasonably and out of clear concern for the Complainant's health and welfare. As such, OPA recommends that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained (Unfounded)**