



## CLOSED CASE SUMMARY

ISSUED DATE: JULY 10, 2022

FROM: INTERIM DIRECTOR GRÁINNE PERKINS  
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0055

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

Named Employee #1

Allegation(s):		Director's Findings
# 1	15.410 - Domestic Violence Investigation 15.410-POL 5. The Department is Committed to a Thorough Primary Investigation of Domestic Violence Incidents (See 15.180-Primary Investigations)	Not Sustained - Training Referral
# 2	15.180 - Primary Investigations 15.180-POL 5. Officers Shall Document all Primary Investigations on a Report	Allegation Removed

***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 Named Employee#1 (NE#1) failed to thoroughly investigate a domestic violence incident and subsequently failed to thoroughly document his investigation in a report.

### **ADMINISTRATIVE NOTE:**

During its intake investigation, OPA identified that NE#1's supervisor may have violated 15.180 – Primary Investigations 15.180-POL 5. Officers Shall Document all Primary Investigations on a Report. OPA determined that this matter was best returned to the chain of command to be handled via a Supervisor Action.

### **SUMMARY OF INVESTIGATION:**

This complaint came to OPA's attention from a separate complaint relating to slow police response. The slow-response complaint was referred to Community Safety and Communication Center (CSCC) for further investigation.

During its investigation of this alleged complaint, OPA reviewed the Computer Aided Dispatch (CAD) Call Report, Incident Report and Supplement, and Body Worn Videos (BWVs). OPA also interviewed NE#1. NE#1's entire response to, and investigation of, this incident was recorded on BWV. As such, these underlying facts are not in credible dispute.

On 01/14/22, NE#1 responded to a call listed as a "DISTV DIST – DV – NO ASLT." NE#1 was detailed as a field training officer for Witness Employee #1 (WE#1), who was also in attendance. NE#1 was detailed as the primary officer and WE#1 had just started his Field Training. Two other officers, Witness Employee #2 (WE#2) and Witness Employee #3 (WE#3) were also logged and responded to the call.



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Noteworthy and informative comments were on the call which noted the following:

- “Caller woke up in listed vehicle, believes she was drugged as she has no recollection of the last several hours, unknown suspect.”
- “RP (Reporting Party) CB (Callback) Reporting Susp threatened to kill her, susp on the balcony, RP waiting outside, can’t find keys to her vehicle.”
- “Male half is outside of the vehicle. RP does not feel safe waiting at the vehicle. RP will wait at S Walker/25 Av S.”
- “Per CB from Complainant male half has been outside taunting her.”
- “RP is shouting in the background that ex-boyfriend physically harmed her, nothing physical heard in background, periodic yelling at each other.”
- “Ex-boyfriend calling in RP took ex-boyfriend’s vehicle keys, RP is intoxicated.”

As such, all responding officers were briefed on what the complaint entailed before engaging with the involved parties.

In his report, NE#1 stated that he responded to a DV disturbance call and spoke with the reporting party (Reporting Party) who was in a car with no recollection of how she got there. NE#1 noted that WE#3 spoke with the other involved party (Community Member). NE#1 detailed the discussion had with the Reporting Party and noted the several threats to kill her made by CM#1, and the actions he took namely providing her with a courtesy ride away from the scene. NE#1 subsequently completed a Domestic Violence (DV) Supplemental Form.

BWV confirmed that NE#1 spoke with the Reporting Party at the scene. WE#3 spoke with the other involved Community Member to the alleged DV dispute. NE#1 did not speak with any other involved individuals in the dispute. NE#1 stated that the dispute centered around Reporting Party’s claim that the Community Member threatened to kill her, and the Community Member’s claim that the Reporting Party took his keys.

#### **ANALYSIS AND CONCLUSIONS:**

##### **Named Employee #1 - Allegation #1**

***15.410 - Domestic Violence Investigation 15.410-POL 5. The Department is Committed to a Thorough Primary Investigation of Domestic Violence Incidents (See 15.180-Primary Investigations)***

SPD Policy 15.410-POL-5 reaffirms the Department’s commitment to a thorough primary investigation of domestic violence incidents. In addition to the requirements set forth in SPD Policy 15.410-POL-3, this section of the policy also requires that officers: “attempt to obtain the domestic violence history of the involved suspect”; “complete the risk assessment”; and “use the sworn affirmation...when taking a statement from a victim or witness.”

During his investigation at scene, NE#1 conducted a computer check on the Reporting Party. This check involved a check on the MDT. NE#1 did not conduct a check on the Community Member. In his OPA interview, NE#1 stated that he did not see any history between the Reporting Party and the Community Member. OPA notes that RMS information ceased in 2017 when the changeover to Mark43 occurred.

Had NE#1 checked the MDT for the Community Member he would have been informed that the Community Member had previously been involved in another DV incident with a different woman and was a “denied firearm applicant.” OPA noted that NE#1 did not ask the Reporting Party about past DV incidents with the Community Member.



WE#3 checked CM#1's information and attached his DOL and criminal file to the call. However, it appeared that WE#3 and NE#1 never shared this information. As the primary officer, the onus was on NE#1 to familiarize himself with all aspects of the call to include speaking with and gleaning information from all the other officers at scene. OPA reviewed the DV supplemental by NE#1 which reflects the lack of information obtained by NE#1 where he had not sourced the relevant information and as a result, many sections were left blank.

NE#1 did not ask the Reporting Party if she would like to provide a statement. When interviewed, NE#1 stated that he did not do this because of "her demeanor and how intoxicated she was" and that it would not be an accurate statement as a result. While OPA accepts that this was NE#1's belief at the time, NE#1 should have clearly informed the Reporting Party that she could provide a statement at a later date if she wished to do so.

NE#1 also failed to take any photographs at the scene. NE#1 stated that no injuries were reported to him. However, this relates back to his failure to speak with other officers at scene. When interviewed, NE#1 stated that had he had no recollection of being told about the Reporting Party and the Community Member having a physical altercation. BWV however captured a conversation between NE#1 and WE#3 where a physical pushing was described between the Reporting Party and Community Member.

NE#1 has significant experience with the Department and should have reasonably known to complete the aforementioned steps. As an FTO, OPA is conscious that newer recruits should be exposed to the highest standards of work governing the investigation of DV related complaints. The above being said, while this investigation did not meet the high level expected of NE#1, OPA does not believe that it constituted willful misconduct for which discipline is required. Accordingly, OPA recommends that this allegation be Not Sustained – Training Referral.

- **Training Referral:** NE#1's chain of command should discuss OPA's findings with NE#1, review SPD Policy 15.410-POL-5 with NE#1, and provide any further retraining and counseling that it deems appropriate. NE#1's chain of command should debrief his investigation of this incident with him and examine its shortcomings. NE#1 should be reminded of the importance of DV investigations and should be counseled that any future non-compliance with the requirements set forth in SPD Policy 15.410 will result in a sustained finding. This retraining and counseling should be documented, and this documentation should be maintained in Blue Team.

Recommended Finding: **Not Sustained - Training Referral**

#### **Named Employee #1 - Allegation #2**

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

SPD Policy 15.180-POL-5 requires that officers document all primary investigations on a General Offense Report. Even where victims of crime refuse to cooperate and to give a statement, officers are still required to document that fact in a report. (SPD Policy 15.180-POL-5.) Lastly, the Department's expectation, which has been clearly conveyed to officers, is that this report will be completed prior to the end of their shift on the date of the incident.

OPA finds the deficiencies in this investigation—detailed above in Allegation #1—resulted in the lack of information subsequently documented in the report. OPA noted that NE#1 failed to include the alleged threat and then the unknown for the gun on the report. As such, OPA finds that this allegation is duplicative of Allegation #1 and is thoroughly addressed by the training referral.



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Accordingly, OPA recommends that this allegation be removed.

Recommended Finding: **Allegation Removed**