



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2015-1869

Issued Date: 10/04/2016

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 15.180 (1) Primary Investigations: Officers Shall Conduct a Thorough and Complete Search for Evidence (Policy that was issued 04/01/2015)
OPA Finding	Not Sustained (Training Referral)
Allegation #2	<u>Seattle Police Department Manual</u> 15.180 (5) Primary Investigations: Officers Shall Document All Primary Investigations on a General Offense Report (Policy that was issued 04/01/2015)
OPA Finding	Not Sustained (Training Referral)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employee was dispatched to a report of a possible violation of a protection order in a domestic situation.

COMPLAINT

The complainant alleged the Named Employee failed to report a violation of a Domestic Violence (DV) order. OPA added the additional allegation of failing to conduct an investigation into suspicious circumstances, possibly related to the DV court order violation, and to document evidence discovered at the scene.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint
2. Interview of the complainant
3. Search for and review of all relevant records and other evidence
4. Interview of SPD employee

ANALYSIS AND CONCLUSION

The Named Employee was dispatched in response to a 911 call placed by the complainant. She told the 911 call-taker she had recently gained a protection order against her husband that prevented him from coming to her house or surveilling her. The complainant told 911 she had just come home and noticed what appeared to be a surveillance camera on her porch and was afraid her husband was watching her. The Named Employee was aware of this information and the fact there was a valid protection order in place before he arrived at the complainant's residence. When the Named Employee arrived he spent a little over three minutes in conversation with the complainant and then left. Audio of this conversation was recorded by the Named Employee's ICV. The complainant pointed out the camera. The Named Employee told the complainant he was not aware of the ability of such cameras to be monitored remotely. He suggested she remove it if she wanted. The complainant told the Named Employee the person from whom her husband had purchased the car she had been driving took the car soon after she had arrived home that evening. The complainant expressed concern her husband was using the camera to watch her. The Named Employee left without either taking the camera as evidence or photographing it as evidence. SPD Policy §15.180(1) states that officers must collect most evidence and submit it to the Evidence Unit. However, the policy does allow for evidence "impractical" to collect to be left with its owner. However, the policy requires that "Officers shall photograph all evidence that is retained by the owner." Had the camera been newly installed by the complainant's husband in violation of the protection order, evidence of the presence of the camera at that location on that date and time would have been material to any criminal investigation. The Named Employee would benefit from additional training.

The Named Employee was dispatched to a report of a possible violation of a protection order in a domestic situation. SPD Policy §15.180(5) requires officers to document all primary investigations on a General Offense (GO) Report. The preamble to this policy chapter states, "A primary investigation begins when police action is initiated." Clearly the Named Employee arrived at the complainant's residence to investigate her concern she was being watched by her husband in criminal violation of a protection order. This police action by the Named Employee should have been documented in a GO summarizing what the complainant told him along with his observations and any steps he took to collect or photograph potential evidence. SPD training to its officers instructs them to write a GO Report in all domestic violence situations and RCW 10.99.030 states that an officer shall complete a report when "responding to a domestic violence call." The Named Employee failed to complete and file a GO Report for this incident.

The named officer had only been with SPD for six months prior to this incident occurring and had worked for another law enforcement agency for several years. The actions he took had been acceptable at the other law enforcement agency. The Named Employee stated that he now understands what he is supposed to do in all domestic violence calls. In light of his explanation and recognizing the difficulty of quickly changing one's established patterns of work in this complex environment, it would be more beneficial to the named officer to receive additional training to make certain he understands his obligation for investigating reports of domestic violence and to either seize evidence or document it properly with photographs.

FINDINGS

Named Employee #1

Allegation #1

The Named Employee would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Primary Investigations: Officers Shall Conduct a Thorough and Complete Search for Evidence*.

Required Training: The Named Employee's supervisor should review the RCW and SPD Policy & Training requirements for investigating reports of Domestic Violence. The supervisor should also review SPD Policy §15.180(1) with the Named Employee and make certain he understands the obligation to either seize evidence or document it properly with photographs.

Allegation #2

The Named Employee would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Primary Investigations: Officers Shall Document All Primary Investigations on a General Offense Report*.

Required Training: The Named Employee's supervisor should review the RCW and SPD Policy & Training requirements for investigating reports of Domestic Violence. The supervisor should also review SPD Policy §15.180(5) with the Named Employee and make certain he understands the obligation to document all primary investigations on a General Offense (GO) Report.

NOTE: The Seattle Police Department Manual policies cited for the allegation(s) made for this OPA Investigation are policies that were in effect during the time of the incident. The issued date of the policy is listed.