



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-0411

Issued Date: 11/1/2016

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 15.370-TSK-1 Sexual Assault Investigation: Patrol Officer Investigating a Sexual Assault Incident (Policy that was issued January 15, 2014)
OPA Finding	Not Sustained (Training Referral)
Allegation #2	<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 April 1, 2015)
OPA Finding	Not Sustained (Training Referral)
Allegation #3	<u>Seattle Police Department Manual</u> 5.001 (10) Standards and Duties: Employees Shall Be Truthful and Complete In All Communication (Policy that was issued April 1, 2015)
OPA Finding	Not Sustained (Unfounded)
Allegation #4	<u>Seattle Police Department Manual</u> 5.001 (9) Standards and Duties: Employees Shall Strive to be Professional at all Times (Policy that was issued April 1, 2015)
OPA Finding	Not Sustained (Training Referral)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employee transported a subject to a medical center.

COMPLAINT

The complainant, a supervisor within the department, alleged that the Named Employee began acting in what could be perceived as an unprofessional and discourteous manner while transporting a potential sexual assault subject (subject) to a medical center. Additionally, when screening the report with his sergeant, the Named Employee indicated that the subject had very little information, despite the subject giving significant information about the assault.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint memo
2. Review of In-Car Videos (ICV)
3. Search for and review of all relevant records and other evidence
4. Interviews of SPD employees

ANALYSIS AND CONCLUSION

The complainant alleged that the Named Employee failed to conduct an investigation into a subject's statement that she was raped. The Named Employee transported a warrant subject to a jail, and during the arrest and transport the subject did not mention anything about a sexual assault. Once at the jail the subject told the booking officers that she was raped by a known person. The subject was subsequently refused booking causing the Named Employee to transport her to a medical center for an evaluation. During the transport the subject provided several statements about the sexual assault, the suspect's name, and a possible location where the assault took place. The Named Employee appeared to be frustrated by the subject bringing up the allegations while being booked into jail. He did not follow the procedures outlined in the SPD manual. Officers have an obligation to fully investigate allegations of sexual assault regardless of the perceived social status of the victim. The suspect in this case was alleged to be the subject's "pimp", regardless of this fact she had the right to expect the same level of service as any other member of the community. It is well known that human traffickers often prey on vulnerable persons such as prostitutes and drug addicts knowing that their allegations will have less credibility than other members of society. They depend on the victim's fear of reporting and the criminal justice systems skepticism to prey on multiple victims. The Named Employee did complete a report with sufficient information for the follow-up unit to investigate. He did not collect evidence or attempt to locate the scene of the crime so that it could be processed. Based on the statements from the subject it would have been extremely difficult to process any scene due to the conflicting accounts and the time delay in reporting. A preponderance of the evidence showed that the Named Employee did minimally comply with

some of the requirements of the investigations but did not perform a thorough and complete investigation. The Named Employee would benefit from additional training on how to properly investigate sexual assaults as a patrol officer.

The complainant alleged that the Named Employee did not accurately communicate the facts as reported to him by the victim to his Sergeant. The Named Employee told his Sergeant that he had minimal information from the subject, did not have a location or a good description of the suspect. The Named Employee explained that the subject did not provide details about the crime, could not give a good address, he was not familiar with the hotel the subject provided and that she kept changing her story. Based on the inconsistencies in the subject's statements the Named Employee reasonably believed that there was minimal reliable information provided by the subject. A preponderance of the evidence supported the Named Employee's position that he truthfully and fully reported the facts known to him at the time to his Sergeant.

The complainant alleged the Named Employee was unprofessional in his communication with the subject. The Named Employee appeared to be frustrated with her and made comments that conveyed the belief that he did not believe her allegations. ICV of the conversations between the Named Employee and the subject ranged from polite and professional to sounding frustrated with her. The Named Employee was frustrated with a subject who made statements that she was raped right as she was being booked into jail. However, his comments, while not overtly offensive, did give the impression he did not take the subject's report seriously. This was supported by the fact that the Named Employee did a less than thorough investigation. While a preponderance of the evidence did not support the conclusion the Named Employee comment rose to the level of a sustained finding, he would benefit from additional training.

FINDINGS

Named Employee #1

Allegation #1

The Named Employee would benefit from additional training on how to properly investigate sexual assaults as a patrol officer. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Sexual Assault Investigation: Patrol Officer Investigating a Sexual Assault Incident*.

Required Training: The Named Employee's supervisor should discuss the expectations of the Seattle Police Department when investigating reports of sexual assaults. The supervisor should review with the Named Employee SPD manual sections. The supervisor should emphasize the department and community's commitment to fully investigate any allegation of criminal activity regardless of the victim's social status.

Allegation #2

The Named Employee would benefit from additional training on how to properly investigate sexual assaults as a patrol officer. 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 discuss the expectations of the Seattle Police Department when investigating reports of sexual assaults. The supervisor should review with the Named Employee SPD manual sections. The supervisor should emphasize the department and community's commitment to fully investigate any allegation of criminal activity regardless of the victim's social status.

Allegation #3

A preponderance of the evidence supported the Named Employee's position that he truthfully and fully reported the facts known to him at the time to his Sergeant. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Standards and Duties: Employees Shall Be Truthful and Complete In All Communication*.

Allegation #4

A preponderance of the evidence did not support the conclusion that the Named Employee's comment rose to the level of a sustained finding, however he would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) was issued for

Recommended Training: The Named Employee should be reminded that he needs to maintain his professionalism at all times. Officers must strive to hide their frustration at a subject's actions or words.

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.