



CLOSED CASE SUMMARY

ISSUED DATE: OCTOBER 1, 2019

CASE NUMBER: 2018OPA-0950

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties 6. Employees May Use Discretion	Sustained
# 2	5.001 - Standards and Duties 10. Employees Shall Strive to be Professional	Not Sustained (Unfounded)
# 3	15.410 - Domestic Violence Investigation 2. Officers Make Arrests with Probable Cause	Not Sustained (Unfounded)
# 4	15.410 - Domestic Violence Investigation 3. Officers Will Make a Reasonable Effort to Protect the Victim and Arrest the Suspect	Sustained
# 5	15.410 - Domestic Violence Investigation 5. The Department is Committed to a Thorough Primary Investigation of Domestic Violence Incidents	Allegation Removed

Imposed Discipline

Resigned Prior to Proposed Discipline

Named Employee #2

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties 6. Employees May Use Discretion	Not Sustained (Training Referral)
# 2	5.001 - Standards and Duties 10. Employees Shall Strive to be Professional	Sustained
# 3	15.410 - Domestic Violence Investigation 2. Officers Make Arrests with Probable Cause	Not Sustained (Unfounded)
# 4	15.410 - Domestic Violence Investigation 3. Officers Will Make a Reasonable Effort to Protect the Victim and Arrest the Suspect	Sustained
# 5	15.410 - Domestic Violence Investigation 5. The Department is Committed to a Thorough Primary Investigation of Domestic Violence Incidents	Allegation Removed

Imposed Discipline

Written Reprimand

Named Employee #3

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties 6. Employees May Use Discretion	Not Sustained (Training Referral)
# 2	5.001 - Standards and Duties 10. Employees Shall Strive to be Professional	Sustained
# 3	15.410 - Domestic Violence Investigation 2. Officers Make Arrests with Probable Cause	Not Sustained (Unfounded)



CLOSE CASE SUMMARY

OPA CASE NUMBER: 2018OPA-0950

# 4	15.410 - Domestic Violence Investigation 3. Officers Will Make a Reasonable Effort to Protect the Victim and Arrest the Suspect	Not Sustained (Training Referral)
# 5	15.410 - Domestic Violence Investigation 5. The Department is Committed to a Thorough Primary Investigation of Domestic Violence Incidents	Allegation Removed

Imposed Discipline

Suspension without Pay – 1 day; Re-training

Named Employee #4

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties 6. Employees May Use Discretion	Sustained
# 2	5.001 - Standards and Duties 10. Employees Shall Strive to be Professional	Sustained
# 3	15.410 - Domestic Violence Investigation 2. Officers Make Arrests with Probable Cause	Not Sustained (Unfounded)
# 4	15.410 - Domestic Violence Investigation 3. Officers Will Make a Reasonable Effort to Protect the Victim and Arrest the Suspect	Not Sustained (Training Referral)
# 5	15.410 - Domestic Violence Investigation 5. The Department is Committed to a Thorough Primary Investigation of Domestic Violence Incidents	Allegation Removed

Imposed Discipline

Suspension without Pay – 15 days

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 violated a number of Department policies stemming out of their responses to two domestic disputes.

ADMINISTRATIVE NOTE:

At the time this investigation was initiated, Named Employee #1 (NE#1), who is no longer employed by SPD, still worked for the Department. Her interview was scheduled for November 27, 2018, which was prior to her separation date, but she called in sick and did not attend. OPA rescheduled the interview for December 6, 2018; however, NE#1 stopped working for SPD on November 30, 2018. She did not attend the December 6 interview. The assigned OPA investigator contacted her on December 7, 2018 and asked whether she would be willing to be interviewed concerning this incident at a later date. NE#1 declined and, as such, was not interviewed as part of this investigation.

During the Loudermill hearing, OPA and the chain of command engaged in a robust discussion concerning the discretion allegation against all of the Named Employees. OPA remains concerned regarding the Named Employees' collective failure to take law enforcement action towards an individual who they knew or should have known was



burning his girlfriend's property. However, OPA concludes that Named Employee #1, as the primary officer on the first call, and Named Employee #4, as the primary officer on the second call, ultimately bear responsibility for this failure. As such, while the Sustained findings are maintained against these two officers, Named Employee #2 and Named Employee #3 now receive Training Referrals for this allegation.

OPA amended this case for a second time in order to correct language that incorrectly referred to Named Employee #2 as the primary officer on the second call.

SUMMARY OF INVESTIGATION:

This incident involved the Named Employees' response to two separate but related incidents. In the first, NE#1 and Named Employee #2 (NE#2) were dispatched to a possible domestic violence (DV) assault. When they arrived on scene, NE#1 interviewed the victim. During this time, NE#2 remained in the patrol vehicle as she was participating in a telephonic defense interview. The victim asserted to NE#1 that she was assaulted by the Subject the previous evening. She recounted that she was shoved to the floor by the Subject, causing her to slam her head onto the ground and into a recycling bin that was in the kitchen. The victim told NE#1 that she had a tender spot on the back of her head and that she had received treatment from her chiropractor after the assault. The victim further informed NE#1 that the Subject tried to call her and, when she did not answer the phone, he texted her to tell her that he was going to destroy all of her belongings. She then showed NE#1 photographs on her phone. NE#1 and NE#2 then drove to the victim's home for the purpose of standing by and keeping the peace while she collected her things.

While at the home, the Subject followed the victim around the house and tried to interact with her. At one point, NE#2 told the Subject: "Ok, I'm gonna end it...we're not going to sit here and badger her for calling the cops." The Subject then began directing his ire toward the officers. Several minutes later, the victim left the room and the Subject followed her. He then again began speaking aggressively to the officers. NE#2 told him: "back out of my face." He turned back to the victim and demanded that she speak with him. When she walked out of the house and refused to do so, he continued to yell at her. The officers walked the victim to her vehicle and advised her to get out of the relationship with the Subject because he was, in their opinion, "violent" and "dangerous." NE#1 then stated to the victim: "and if you stay with him, and this is just all honesty, if you stay with somebody like that, we could end up recovering your body. Do you understand that? You got way too much going on in your life, this is something that you don't want to fuck around with."

The officers were approached by a bystander who told them that the Subject was continuing to yell and act aggressively. The officers told the bystander that they were dealing with it. The Subject yelled "fuck you" at the bystander and, shortly thereafter, reentered his house and slammed the door. The officers then left the scene. The Subject was not arrested or cited.

NE#2, as well as Named Employee #3 (NE#3) and Named Employee #4 (NE#4), responded later that evening to another call for service at the home. NE#1 was not present for this call. They were initially called to the house because the victim was concerned that the Subject would harm her cat given that he stated that he was burning her belongings. The officers stood by while the victim removed additional items from the house. While inside, NE#2, NE#3, and NE#4 all engaged in back and forth discussions with the Subject that were predominantly negative. All three were also informed at various points that the Subject was burning some of the victim's personal belongings. The victim



additionally showed the officers photographs on her phone of her belongings being burned, which were sent to her by the Subject earlier that evening.

At one point, the Subject was told by NE#2 to “go burn some stuff.” He replied, “you want me to keep burning stuff,” and NE#2 stated: “it seems like it’s making you happy.” The Subject then said to her: “Oh, it’s making me very happy. It’s her most personal Grandma effects who has died.” However, even after hearing this, neither NE#2 nor any of the other officers placed him under arrest. The Subject asked NE#3 whether there was a time limit for how long the officers could be in his house and NE#3 replied that there was not. The Subject asked to see the law and NE#3 responded that he was the law. The Subject began yelling at NE#3 and told him to “shut the fuck up.” NE#3 retorted “or what,” walked towards the Subject, and placed his open hand against the Subject’s chest. At that point, NE#3 asked the victim whether the Subject had made any threats towards her and she said yes. NE#3 asked a clarifying question regarding when those threats occurred and she stated that they had occurred that evening. However, NE#3 did not arrest the Subject at that point. The Subject told the victim to not let the officers take him to jail and NE#3 stated: “Man you were just crying, you’re that close to going to jail. If I really wanted to I could take you to jail.” NE#3 told the Subject that he could have arrested him for harassment.

The officers left the house and the Subject continued to engage with them. While leaving, NE#4 stated in response: “I don’t want to do nothing. But I made you cry. I did do that. I did make you cry. That’s more pleasure for me than anything. How did it go? How did it go sir?” NE#4 then imitated the Subject calling out for the victim and continued: “Alright man, enjoy your life. Enjoy your life. Enjoy your life. Enjoy your life. Alone.” After the Subject continued to yell at the officers, NE#4 retorted: “Thank you, but I’m going home to a woman tonight.” Lastly, NE#4 challenged the Subject to a footrace and also stated: “you probably drank a forty in four and a half seconds.”

This matter was referred to OPA by the Domestic Violence Unit. As part of its investigation OPA reviewed the Body Worn Video recorded by all of the Named Employees. That video is described in detail in the Case Summary. OPA reviewed the documentations generated as part of the investigation. OPA further interviewed all of the Named Employees and the victim. The substance of those interviews is also set forth in detail in the Case Summary.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.001 - Standards and Duties 6. Employees May Use Discretion

As indicated in SPD Policy 5.001-POL-5, “[e]mployees are authorized and expected to use discretion in a reasonable manner consistent with the mission of the department and duties of their office and assignment.” This policy further states that “[t]he scope of discretion is proportional to the severity of the crime or public safety issue being addressed.” (SPD Policy 5.001-POL-5.)

The Named Employees collectively responded to two DV incidents involving the Subject and the victim. In the first, NE#1 and NE#2 were informed that the Subject had physically assaulted the victim the night prior, that the victim had injuries for which she sought treatment, and that the Subject was burning the victim’s belongings because she would not speak with him. In the second, NE#2, NE#3, and NE#4 were informed that the Subject was continuing to burn and destroy the victim’s belongings. They were also aware that he had threatened her that evening. Moreover, when they interacted with the Subject, he was aggressive and belligerent, as well as potentially violent and



dangerous. However, the Named Employees did not arrest the Subject for any of the numerous crimes that he committed. While the officers were not mandated by law or SPD policy to effectuate the arrest (*see* Allegation #3), OPA concludes that, under the circumstances of this case, they should have done so and the decision to the contrary was so deficient that it violates policy. Notably, there was probable cause to arrest the Subject for multiple crimes, including, but not limited to, DV assault, harassment, and malicious mischief. These crimes were all serious – particularly, DV assault, the enforcement of which is an organizational priority of the Department.

As discussed above, as NE#1 and NE#4 were the primary officers for these two calls, OPA concludes that they bear ultimate responsibility for the officers' collective decision-making during these incidents. When NE#1 and NE#4 did not arrest the Subject for any of the numerous crimes that he committed, they failed to appropriately exercise the discretion afforded to them as law enforcement officers. They moreover failed to meet the baseline expectations of the Department and the community that such laws will be enforced. As such, they violated this policy and I recommend that this allegation be Sustained against both NE#1 and NE#4.

Recommended Finding: **Sustained**

Named Employee #1 - Allegation #2

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

SPD Policy 5.001-POL-10 requires that SPD employees “strive to be professional at all times.” The policy further instructs that “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers.” (SPD Policy 5.001-POL-10.) The policy further states the following: “Any time employees represent the Department or identify themselves as police officers or Department employees, they will not use profanity directed as an insult or any language that is derogatory, contemptuous, or disrespectful toward any person.” (*Id.*) Lastly, the policy instructs Department employees to “avoid unnecessary escalation of events even if those events do not end in reportable uses of force.” (*Id.*)

Department video indicated that NE#1 used multiple profanities during this incident. The majority of these occurred while she was in the patrol vehicle with NE#2 and were not directed towards anyone. She did, at one point, say “fuck” when speaking with the victim. However, she used that term to describe the severity of the risk if the victim remained with the Subject, not to disparage or insult the victim. Notably, the victim did not have any objection regarding NE#1's usage of this term and felt that NE#1 was supportive of her.

Moreover, there is no indication from the video that NE#1 engaged in any other unprofessional conduct, including towards the Subject. While OPA is concerned with some of her conduct in this case, that conduct does not bear on her professionalism and is fully addressed herein in the context of other allegations.

As such, I recommend that this allegation be Not Sustained – Unfounded.

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



Named Employee #1 - Allegation #3

15.410 - Domestic Violence Investigation 2. Officers Make Arrests with Probable Cause

SPD Policy 15.410-POL-2 requires that officers make an arrest for a DV assault where there is probable cause to do so and under specified circumstances. Most notably for the purposes of this case, an arrest is only mandatory where the assault was believed to have occurred in the past four hours. Otherwise, an arrest may be preferred and, in some respects expected, but, if it is not effectuated, it does not standing alone violate policy or the law.

Here, the assault occurred more than four hours prior to the response to the two incidents by the Named Employees. As such, the arrest of the Subject was not mandated by SPD policy or Washington State law. While OPA believes that the Named Employees abused their discretion when they did not arrest the Subject, that violation of policy is discussed in the context of Allegation #1 for all of the officers.

However, as the arrest of the Subject was not compelled in this instance, the Named Employees did not violate this specific policy when they failed to take that law enforcement action. As such, I recommend that this allegation be Not Sustained – Unfounded as against all of the Named Employees.

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

Named Employee #1 - Allegation #4

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

SPD Policy 15.410-POL-3 requires that officers make a reasonable effort to protect the victim and arrest the suspect. The policy provides direction to officers on how to do so and this includes, but is not limited to: notifying the victim that the suspect may be arrested at a later time even if suspect has left the scene prior to officers' arrival; documenting the incident appropriately; advising the victim of resources to prevent further abuse, such as shelters and/or other services; providing the victim with the SPD DV Resource Guide; explaining to the victim how to seek an order of protection; asking the victim whether there are firearms or other deadly weapons accessible to the suspect; and, where applicable, facilitating transportation for the victim to a hospital for treatment or to a place of safety or shelter. The policy also generally instructs that the responding officers will conduct a thorough and complete primary investigation, as well as that they will fully and accurately document the incident.

NE#1 was the primary officer during the first incident. From a review of the record, as well as from NE#2's statements at her OPA interview, it appears that NE#1 offered the victim a DV Resource Guide, discussed possible resources with her, and referred this matter to the Victim Support Team. However, there is no evidence that NE#1 ever explained to the victim how to seek an order or protection, asked her whether the Subject had access to firearms or other deadly weapons, or asked whether she needed to be transported to a safe place. Moreover, NE#1 did not take photographs of the victim's injuries, did not have her execute a release for medical information, did not take a victim's statement, and did not complete the supplemental DV form template.

NE#2 also responded to the second incident. However, she did not take any photographs of the burned property, conduct any substantive investigation into the destruction of the victim's property, take a victim statement, or complete the supplemental DV form template.



In addition, both NE#1 and NE#2 failed, at times, to take steps to create distance between the victim and the Subject. Specifically, they did not cordon the Subject off in a portion of the house while allowing the victim to collect her things or temporarily remove him from the house, which would have been warranted under the circumstances. While he did not harm the victim while she was in the house, he repeatedly yelled at her and the situation easily could have escalated. Indeed, the Subject was described by both NE#1 and NE#2 as violent and dangerous. While not specifically called out in the policy, it follows from the title that officers are required to take any necessary steps to protect the victim, including, but not limited to, removing the suspect from the victim's immediate vicinity to prevent further escalation of the incident or harm to the victim. They fell short in this regard.

When applying a preponderance of the evidence standard, I find that both NE#1 and NE#2 failed to take the necessary steps required by this policy. Most notably, they did not perform a number of the tasks specifically identified therein. Moreover, their investigations were not thorough or complete and they failed to fully and properly document the incidents. Their collective failure to do so contributed, in OPA's opinion, to their errant decisions not to arrest the Subject. Ultimately, and for the reasons set forth above, I find that they did take sufficient efforts to protect the victim and to arrest the Subject. As such, I recommend that this allegation be Sustained as against both NE#1 and NE#2.

Recommended Finding: **Sustained**

Named Employee #1 - Allegation #5

15.410 - Domestic Violence Investigation 5. The Department is Committed to a Thorough Primary Investigation of Domestic Violence Incidents

SPD Policy 15.410-POL-5 states that the Department is committed to a thorough primary investigation of DV incidents. The policy provides guidance as to what constitutes a thorough primary investigation and, in doing so, references SPD Policy 15.180 and other sections of SPD Policy 15.410.

As discussed above (see Named Employee #1, Allegation #4), I already find that NE#1 and NE#2 conducted deficient investigations and failed to properly handle the incidents in this case. I believe that the Sustained findings issued in Allegation #4 already capture the conduct proscribed by this policy. As such, I find that this allegation is duplicative and I recommend that it be removed.

Recommended Finding: **Allegation Removed**

Named Employee #2 - Allegation #1

5.001 - Standards and Duties 6. Employees May Use Discretion

As discussed above (see Named Employee #1, Allegation #1), I find that NE#1 and NE#4, as the primary officers for the two calls, bear responsibility for the improper exercise of discretion in this case. Accordingly, I amend the previous findings on this allegation issued against NE#2 and NE#3 from Sustained to Not Sustained and I issue the below Training Referral.

- **Training Referral:** NE#2 and NE#3 should be counseled by their chain of command concerning their decision-making in this case and, particularly, their failure to take appropriate law enforcement action against the



Subject. Their chain of command should discuss the Department's expectations concerning how they handle DV calls in the future. This training and associated counseling should be documented and this documentation should be maintained in an appropriate database.

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

Named Employee #2 - Allegation #2

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

While leaving the home on the first occasion, NE#2 engaged in a negative back and forth with the Subject. In response to the yelling Subject, she stated: "All you got is your words"; "enjoy it"; and "enjoy how it feels." Around two minutes later, she reengaged with the Subject and said to him: "So that's how you do? That's how you deal with problems? That's how you deal with your problems? You stand outside and yell about it That's how you deal with problems? You can yell and you can get kicked out of here for it." She then told the Subject to go inside. When the Subject continued to yell, NE#2 retorted: "It really shows your maturity right now. Just get inside the house. In the house." The Subject yelled "fuck you" at the victim and NE#2 said: "she is gone so close the door." At that point, the Subject called NE#2 a "Black bitch" and NE#1 a "blond bitch." NE#2 responded: "You think I haven't heard that before? You're a broken record" and "she don't care either. You just have words."

On the second occasion that she was at the house, NE#2's interaction with the Subject took on the same tenor. This included telling the Subject, who she knew was destroying the victim's belongings by burning them, to "go burn some stuff." When he replied, "you want me to keep burning stuff," NE#2 stated: "it seems like it's making you happy." The Subject then said to her: "Oh, it's making me very happy. It's her most personal Grandma effects who has died."

At her OPA interview, NE#2 denied that her statements and continued engagement with the Subject was unprofessional. OPA disagrees and finds that she acted contrary to policy during this incident. In reaching this finding, OPA recognizes that the Subject was belligerent, aggressive, unreasonable, and referred to NE#2 using racial terms. However, NE#2 took the bait and repeatedly lowered herself to the Subject's level. She continued to do so even when not in the Subject's immediate presence, yelling back towards him when she was walking away from him and down the street. This is simply inconsistent with the Department's expectations of her conduct. OPA has repeatedly noted that officers, whether fair or not, are held to a higher standard than the community members with whom they interact. Here, the statements made by NE#2 fell below that standard and served no cognizable law enforcement purpose. Indeed, they only seemed to be purpose to engage in a tit-for-tat with the Subject and did nothing other than to escalate an already volatile situation.

For the above reasons, and while again recognizing how detestably the Subject acted during this incident, I recommend that this allegation be Sustained.

Recommended Finding: **Sustained**



Named Employee #2 - Allegation #3

15.410 - Domestic Violence Investigation 2. Officers Make Arrests with Probable Cause

For the same reasons as stated above (see Named Employee #1, Allegation #3), I recommend that his allegation be Not Sustained – Unfounded.

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

Named Employee #2 – Allegation #4

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

For the same reasons as stated above (see Named Employee #1, Allegation #4), I recommend that this allegation be Sustained.

Recommended Finding: **Sustained**

Named Employee #2 - Allegation #5

15.410 - Domestic Violence Investigation 5. The Department is Committed to a Thorough Primary Investigation of Domestic Violence Incidents

For the same reasons as stated above (see Named Employee #1, Allegation #5), I recommend that this allegation be removed.

Recommended Finding: **Allegation Removed**

Named Employee #3 - Allegation #1

5.001 - Standards and Duties 6. Employees May Use Discretion

I recommend that this allegation be Not Sustained and refer to the above Training Referral. (See Named Employee #2, Allegation #1.)

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

Named Employee #3 - Allegation #2

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

Based on OPA's review of the record, NE#3's conduct during this incident was also unprofessional.

As a starting point, NE#3's statements to the Subject served to impermissibly escalate the incident. For example, the following statements served to amplify rather than calm down the situation: saying "or what" in response to the Subject telling him to "shut the fuck up"; and telling the Subject that he was the "law." While the Subject was actively trying to provoke NE#3, NE#3 took the bait and allowed the Subject to do so.



NE#3's statements were also contemptuous and demeaning of the Subject. An example of this was the following comment made to the Subject by NE#3: "Man you were just crying, you're that close to going to jail. If I really wanted to I could take you to jail."

This conduct is similar to that in a recent case involving both NE#3 and NE#4. In that other case, both officers responded to insults and belligerent individuals by themselves acting aggressively and escalating the incident by words and actions. In OPA's opinion, this represents a concerning continuing course of action on these officers' parts and one that should be promptly addressed by their chain of command.

With regard to NE#3's statements and actions during this incident, I find that they were collectively unprofessional. As such, I recommend that this allegation be Sustained.

Recommended Finding: **Sustained**

Named Employee #3 - Allegation #3

15.410 - Domestic Violence Investigation 2. Officers Make Arrests with Probable Cause

For the same reasons as stated above (see Named Employee #1, Allegation #3), I recommend that his allegation be Not Sustained – Unfounded.

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

Named Employee #3 - Allegation #4

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

NE#3 and NE#4 were the backing officers to NE#2 on the second call. As such, they were not primarily responsible for the paperwork for this incident. They were equally responsible, however, for the actual investigation conducted and for the shortcomings of that investigation. Included among these shortcomings were the failure of the officers to fully explore whether the victim wanted to pursue charges against the Subject, the failure to verify whether he was, in fact, burning her property as was relayed to them, and the failure to engage in any substantive inquiries with the Subject to evaluate criminality. Their failure to do so informed their decision not to arrest the Subject, which OPA finds to be in violation of policy. However, this conduct is already captured by the Sustained finding for Allegation #3. As such, I find it unnecessary to also sustain this finding. Moreover, given their role as secondary officers, I find that their contribution to the deficiencies of the investigation does not warrant a Sustained finding. Instead, recommend that NE#3 and NE#4 receive the below Training Referral.

- **Training Referral:** The chain of command for NE#3 and NE#4 should discuss this incident with them and, specifically, the nature of the investigatory work that they engaged in. The chain of command should provide retraining and counseling concerning how to conduct more thorough, complete, and higher-quality investigations in the future. This retraining and associated counseling should be documented and this documentation should be maintained in an appropriate database.

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



Named Employee #3 - Allegation #5

15.410 - Domestic Violence Investigation 5. The Department is Committed to a Thorough Primary Investigation of Domestic Violence Incidents

I find that the deficient investigation conducted by NE#3 and NE#4 is already fully captured by the Training Referral issued to them above (see Named Employee #3, Allegation #4). As such, I conclude that this allegation is duplicative and I recommend that it be removed.

Recommended Finding: **Allegation Removed**

Named Employee #4 - Allegation #1

5.001 - Standards and Duties 6. Employees May Use Discretion

For the same reasons as stated above (see Named Employee #1, Allegation #1), I recommend that this allegation be Sustained.

Recommended Finding: **Sustained**

Named Employee #4 - Allegation #2

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

NE#4, like NE#3, also made a number of statements that served to improperly escalate this incident. His statements were also contemptuous and derogatory towards the Subject. Most notable among the unprofessional statements NE#4 made were: telling the Subject that he made the Subject cry and stating that doing so gave NE#4 pleasure; and telling the Subject that NE#4 was going home to a woman and intimating that the Subject was not.

These statements served no cognizable law enforcement purpose and were wholly inappropriate and unnecessary. As such, I recommend that this allegation be Sustained.

Recommended Finding: **Sustained**

Named Employee #4 - Allegation #3

15.410 - Domestic Violence Investigation 2. Officers Make Arrests with Probable Cause

For the same reasons as stated above (see Named Employee #1, Allegation #3), I recommend that his allegation be Not Sustained – Unfounded.

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



Named Employee #4 - Allegation #4

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

I recommend that this allegation be Not Sustained and I recommend that NE#4 receive the above Training Referral. (See Named Employee #3, Allegation #4.)

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

Named Employee #4 - Allegation #5

15.410 - Domestic Violence Investigation 5. The Department is Committed to a Thorough Primary Investigation of Domestic Violence Incidents

For the same reasons as stated above (see Named Employee #3, Allegation #5), I recommend that this allegation be removed.

Recommended Finding: **Allegation Removed**