



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-1291

Issued Date: 06/23/2017

| Named Employee #1 | |
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| Allegation #1 | <u>Seattle Police Department Manual</u> 5.001 (2) Standards and Duties: Employees Must Adhere to Laws, City Policy and Department Policy (Policy that was issued April 1, 2015) |
| OPA Finding | Not Sustained (Inconclusive) |
| Final Discipline | N/A |

INCIDENT SYNOPSIS

The Seattle Police Department received notification from an outside agency regarding the Named Employee.

COMPLAINT

The complainant, a supervisor within the Department, alleged the Named Employee had an allegation of possible domestic violence against him. This allegation was discovered when the complainant was reviewing an outside agency police report.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint memo
2. Search for and review of all relevant records and other evidence
3. Review of outside agency files
4. Interviews of SPD employees

ANALYSIS AND CONCLUSION

OPA learned of a criminal investigation being conducted by an outside law enforcement agency into the off-duty conduct of the Named Employee. Once that criminal investigation had been completed and the prosecutor in that jurisdiction had declined prosecution, OPA commenced its administrative investigation into the same conduct. SPD Policy 5.001(2) requires all SPD employees to adhere to all Federal, State and local laws. The criminal investigation in which the Named Employee was the target, looked into whether or not the Named Employee had committed the crime of Domestic Violence Assault. RCW 10.99.020 makes it a Domestic Violence crime for a one family member to commit any one of several criminal acts against another family member. Among those listed as a “family member” in the statute are spouses. At the time of the events covered by both the criminal and administrative investigations, the Named Employee was married to the person (the subject) who made a report to the investigating law enforcement agency (LEA). The subject reported several different events that took place over a period of eight to ten months. The Named Employee and the subject were experiencing difficulties in their relationship at the time. The subject told the LEA about two specific instances in which the Named Employee became physically threatening. Their minor child was present during both of these.

Applying the preponderance standard and taking into account all the evidence from both the criminal and administrative investigations, the OPA Director found the evidence insufficient to prove that the Named Employee committed Domestic Violence on at least two occasions against his then spouse; specifically, the crime of DV Coercion and DV Assault.

FINDINGS

Named Employee #1

Allegation #1

There was not a preponderance of the evidence either supporting or refuting the allegation. Therefore a finding of **Not Sustained** (Inconclusive) was issued for *Standards and Duties: Employees Must Adhere to Laws, City Policy and Department Policy*.

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.