



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-0039

Issued Date: 08/03/2016

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| Named Employee #1 | |
| Allegation #1 | <u>Seattle Police Department Manual</u> 5.001 (9) Employees Shall Strive to be Professional at all Times (Policy that was issued 04/01/2015) |
| OPA Finding | Not Sustained (Training Referral) |
| Final Discipline | N/A |

INCIDENT SYNOPSIS

The Named Employee responded to a Domestic Violence call.

COMPLAINT

The complainant, a supervisor within the Department, alleged that the Named Employee may have acted in a way that “undermines the public trust in the Department” (see Policy §5.001(9)) by converting a police contact with a Domestic Violence (DV) victim into an intimate, romantic relationship and then later assisting her with removing disputed property from the home of the victim’s former boyfriend.

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. Interview of SPD employee

ANALYSIS AND CONCLUSION

The preponderance of the evidence collected by both the King County Sheriff's Office (KCSO) and OPA shows that the Named Employee and the victim first met when the Named Employee, then a Student Officer in the Field Training Program, and his Trainer were dispatched to a residence occupied by the victim and her then boyfriend. The nature of this call was DV Assault. The Named Employee took a report and developed probable cause to arrest the victim's boyfriend, but no arrest was made because the boyfriend had left the scene. The evidence also shows it was the victim, not the Named Employee, who first suggested they establish a relationship apart from his role as a police officer. There is no evidence to show the Named Employee initiated this action or overtly used his position to promote or facilitate a personal relationship with the victim. At the same time, the evidence also shows the Named Employee acted on the victim's suggestion. Approximately seven months after the DV incident, the Named Employee and the victim (now living together and in a romantic relationship) went to the former boyfriend's residence and removed personal property the victim claimed belonged to her. The former boyfriend, however, asserted ownership over the property and reported the matter to the KCSO as a burglary. The preponderance of the evidence from the KCSO investigation, supported by OPA's follow-up investigation, supports the conclusion that the property in question belonged to the victim and she had permission to enter the residence and remove the property. However, the victim's claim on some of the property was somewhat unclear, or at least open to dispute.

The preponderance of the evidence from both investigations does not support a sustained finding for this allegation. Nonetheless, the Named Employee exercised poor judgment in giving a DV victim his personal cell phone number for anything other than a strictly professional purpose and then developing a romantic relationship with her. The Named Employee acknowledged to OPA that he felt unsure whether or not he should give his phone number to the victim. He should have paid more attention to his intuition and sought counsel from his Training Officer or FTO Program Sergeant. While the original DV incident did not result in a prosecution, if the boyfriend had been charged and the Named Employee called to testify at trial, his romantic involvement with the victim would have created a significant conflict of interest, exposing both him and the Department to ridicule and public embarrassment.

FINDINGS

Named Employee #1

Allegation #1

The evidence supports that the Named Employee would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Employees Shall Strive to be Professional at all Times*.

Required Training: The Named Employee's chain of command should counsel the Named Employee in the strongest of terms to avoid any circumstance or act which would create an actual or potential conflict of interest between his role as a police officer and his personal

interests. He must be reminded of the inherent imbalance of power between victims of crime and police officers upon whom these victims depend for protection from and prosecution of perpetrators. This is particularly true for DV victims. The Named Employee must understand that a police officer should never exploit or be perceived to exploit another person's vulnerability.

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.