



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-1284

Issued Date: 05/15/2017

Named Employee #1	
Allegation #1	<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 April 1, 2015)
OPA Finding	Not Sustained (Unfounded)
Allegation #2	<u>Seattle Police Department Manual</u> 16.110 (9) Crisis Intervention: Officers Shall Document All Contacts With Subjects Who are in Any Type of Behavioral Crisis a. Officer Shall Use the Crisis Template (Policy that was issued August 1, 2015)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 6.010 (6) Arrests: Screening Sergeant Will Approve Report (Policy that was issued February 1, 2016)
OPA Finding	Not Sustained (Training Referral)
Allegation #2	<u>Seattle Police Department Manual</u> 16.090 (6) In-Car Video System: Employees Will Record Police Activity (Policy that was issued March 1, 2016)
OPA Finding	Not Sustained (Unfounded)

Allegation #3	<u>Seattle Police Department Manual</u> 15.370 (1) Sexual Assault Investigation: Patrol Sergeants Screen Reports of Sexual Assault to Determine Police Response (Policy that was issued January 15, 2014)
OPA Finding	Not Sustained (Unfounded)
Allegation #4	<u>Seattle Police Department Manual</u> 15.330 (15.330-PRO-1) Responding to Threats & Assaults on Officers: Investigating Serious Assaults on Officers (Policy that was issued October 1, 2015)
OPA Finding	Not Sustained (Inconclusive)
Final Discipline	N/A

Named Employee #3	
Allegation #1	<u>Seattle Police Department Manual</u> 15.370 (1) Sexual Assault Investigation: Patrol Sergeants Screen Reports of Sexual Assault to Determine Police Response (Policy that was issued January 15, 2014)
OPA Finding	Not Sustained (Unfounded)
Allegation #2	<u>Seattle Police Department Manual</u> 15.330 (15.330-PRO-1) Responding to Threats & Assaults on Officers: Investigating Serious Assaults on Officers (Policy that was issued October 1, 2015)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

INCIDENT SYNOPSIS

Named Employee #1 responded to a call of a juvenile runaway (subject), which ended in the arrest of the subject. Named Employee #2 screened the call and the arrest, and Named Employee #3 approved the General Offense Report (GOR).

COMPLAINT

The complainant, the Force Review Board, alleged that the Named Employees potentially violated the following manual sections:

Named Employee #1 did not complete the crisis template which was required based on the statements the subject made to officers during this incident and failed to be complete, thorough and accurate when writing the GOR by omitting various things that were done and occurred during the course of the incident, including, but not limited to assaults on two of the other responding officers.

Named Employee #2 did not (1) review and approve the GO report, (2) complete Sergeant's arrest screening template required and (3) notify a Lieutenant of the allegation of assault on an officer. Additionally, during review, OPA discovered the Named Employee did not activate his In-Car Video (ICV) as soon as he became involved with the call, and only captured a portion of the call.

Named Employee #3 did not notify the Sexual Assault Unit of a sexual assault complaint, and it was unclear if this Named Employee was also responsible for reviewing and approving the GO 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 In-Car Videos (ICV)
4. Interviews of SPD employees

ANALYSIS AND CONCLUSION

This allegation has to do with Named Employee #1 not having addressed in his GOR the fact the subject told other officers that the subject had been sexually molested by an adult relative sometime in the past. The preponderance of the evidence supported the conclusion that Named Employee #1 was not aware of these statements by the subject at the time he completed the GOR.

This allegation has to do with Named Employee #1 not having completed a Crisis Template as part of the GOR he submitted, given that the subject told other officers that the subject wanted to kill herself. The preponderance of the evidence supported the conclusion that Named Employee #1 was not aware of these statements by the subject at the time he completed the GOR.

The evidence from this investigation showed that Named Employee #2, a supervisor, did not approve the GOR related to this incident before the end of the shift that day, nor did he approve it the following day when Named Employee #2 was on duty, even though Named Employee #2 was the supervisor who screened the arrest. In addition, the evidence appeared to indicate that Named Employee #2 did not make any arrangements with another supervisor to approve the report in his place. As a result, a different sergeant (Named Employee #3) who saw the report waiting in the approval queue two days after the incident, took care of the approval without the necessary background information about the incident needed to conduct an appropriate review. In addition, the evidence showed that Named Employee #1 failed to complete an Arrest Screening Supplemental, even though he was the supervisor who screened that arrest. While OPA understands that circumstances and the rush of many different priorities can make it difficult for supervisors to keep track of administrative obligations such as this, it is also important that supervisors thoroughly review their officers' reports to make certain the law and policy are being followed. This is especially important in cases involving an arrest.

The preponderance of the evidence from this investigation showed that Named Employee #2 was not required under this policy to activate his ICV because the incident took place in a precinct holding cell and Named Employee #2 did not leave the precinct during the shift.

The preponderance of the evidence from this investigation showed that Named Employee #2 was unaware of the statements made by the subject regarding a past sexual assault. For this reason, Named Employee #2 was under no obligation to conduct a screening as required by this policy.

There was not a preponderance of evidence to either prove or disprove the allegation that Named Employee #2 failed to follow policy and make his Chain of Command aware of the assault on an officer by the subject.

The preponderance of the evidence from this investigation showed that Named Employee #3 merely approved the GOR submitted by Named Employee #1; he did not read or review it. Named Employee #3 approved the report because he noticed there had been an arrest and the report had been sitting in the approval queue for a couple of days. He merely approved the report so it could be made available for those who needed it for their duties. Since Named Employee #3 did not read the report, he was unaware of the statements made by the subject regarding a past sexual assault, or the assault on an officer by the subject. For this reason, Named Employee #3 was under no obligation to conduct a screening as required by these policies.

FINDINGS

Named Employee #1

Allegation #1

The preponderance of the evidence supported the conclusion that Named Employee #1 was not aware of these statements by the subject at the time he completed the GOR. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Primary Investigations: Officers Shall Document all Primary Investigations on a General Offense Report.*

Allegation #2

The preponderance of the evidence supported the conclusion that Named Employee #1 was not aware of these statements by the subject at the time he completed the GOR. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Crisis Intervention: Officers Shall Document All Contacts With Subjects Who are in Any Type of Behavioral Crisis a. Officer Shall Use the Crisis Template.*

Named Employee #2

Allegation #1

The evidence showed that the Named Employee would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Arrests: Screening Sergeant Will Approve Report.*

Required Training: Named Employee #2 should receive clear and unambiguous counseling and direction from his supervisor regarding their expectations concerning his duty to review and approve arrest reports submitted by the officers under his supervision, as well as to complete all required documentation, such as an Arrest Screening Supplemental.

Allegation #2

The preponderance of the evidence showed that Named Employee #2 was not required under this policy to activate his ICV. Therefore a finding of **Not Sustained** (Unfounded) was issued for *In-Car Video System: Employees Will Record Police Activity.*

Allegation #3

The preponderance of the evidence showed that Named Employee #2 was unaware of the statements made by the subject regarding a past sexual assault. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Sexual Assault Investigation: Patrol Sergeants Screen Reports of Sexual Assault to Determine Police Response.*

Allegation #4

There was not a preponderance of evidence to either prove or disprove the allegation. Therefore a finding of **Not Sustained** (Inconclusive) was issued for *Responding to Threats & Assaults on Officers: Investigating Serious Assaults on Officers.*

Named Employee #3

Allegation #1

The preponderance of the evidence showed that Named Employee #3 was under no obligation to conduct a screening as required by this policy. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Sexual Assault Investigation: Patrol Sergeants Screen Reports of Sexual Assault to Determine Police Response*.

Allegation #2

The preponderance of the evidence showed that Named Employee #3 was under no obligation to conduct a screening as required by this policy. Therefore a finding of **Not Sustained** (Inconclusive) was issued for *Responding to Threats & Assaults on Officers: Investigating Serious Assaults on Officers*.

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.